

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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AT: Michael J. Lombardi Building  
Basement Conference Room  
831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

DATE: Tuesday, August 11, 2015

TIME: 6:04 p.m. to 10:31 p.m.

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## INDEX OF AGENDA

<u>AGENDA MATTERS</u>	<u>PAGE</u>
DISCIPLINARY: MADURA, LLC D/B/A CURRY & WOK	7
INFORMATIONAL: BASHA CAFE, LLC	49
APPLICATION: HK FOOD GROUP 1030, LLC, D/B/A WAYPOINT	59
APPLICATION: ROOM FOR DESSERT, LLC D/B/A FINALE DESSERTERIE	144
APPLICATION: KAYA-KA, INC, D/B/A KAYA RESTAURANT	147
APPLICATION: ASSOCIATION NOTRE DAME DE CAMBRIDGE, INC	149
APPLICATION: DIAMONDS CAMBRIDGE GROUP, INC D/B/A PIZZA BAR	155
APPLICATION: HINES MIP CAMBRIDGEPARK DRIVE	158
APPLICATION: THAI SENSATION, INC, D/B/A PEPPER SKY THAI SENSATION	162
APPLICATION: GOLDEN STREET, INC	167
APPLICATION: KH FOODS, LLC D/B/A KIMCHI KITCHEN	229
APPLICATION: ZETA MU CHAPTER OF KAPPA ALPHA THETA AT MIT	238
APPLICATION: LORD HOBO BREWPUB, LLC D/B/A LORD HOBO BREWPUB	246

## INDEX OF AGENDA

<u>AGENDA MATTERS</u>	<u>PAGE</u>
APPLICATION: ELM STREET, LLC, D/B/A LONE STAR TACO BAR	261
APPLICATION: WAHOO, INC, D/B/A GENKI YA	273
APPLICATION: UC MASSACHUSETTS AVE, LLC D/B/A UPPER CRUST PIZZERIA	280
RATIFICATION: MOHAN AND SON, INC, D/B/A INDIA FOOD AND SPICE/NEW DELHI	286
RATIFICATION: ROYAL PUNJAB ENTERPRISES, INC, D/B/A ULTIMATE PIZZA AND GRILL	287

P R O C E E D I N G S

August 11, 2015

EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started. If anyone has a cell phone on, please silence it.

FIRE CHIEF GERALD REARDON: For everybody's edification, the doorway can't be blocked at any point. If the doorway gets blocked, we have to stop the meeting. If someone can help let people know when something is on, they can swap. You cannot stand in the doorway during the meeting.

CHAIR ANDREA JACKSON: There are couple empty seats.

EXECUTIVE DIRECTOR ELIZABETH LINT: This meeting is being audiotaped and videotaped. This is -- can you please keep it down?

Thank you.

The License Commission General Hearing,  
Tuesday, August 11, 2015. We are in the  
Michael J. Lombardi Building, 831 Massachusetts  
Avenue, Basement Conference Room, before you are  
the Commissioners: Chair Andrea Jackson, Chief  
Gerald Reardon, Commissioner Robert Haas.

The first matter is informational, Basha  
Cafe, LLC, Sarah Shabana, manager, holder of an  
all alcoholic beverages restaurant license at 26  
New Street due to an application that was filed  
approximately eight months ago and never acted  
upon.

CHAIR ANDREA JACKSON: Is there anyone  
here from Basha Cafe?

ATTY JAMES RAFFERTY: Good evening, Madam  
Chair, Members of the Commission.

For the record, my name is James  
Rafferty. I was speaking to Mr. Headley. I  
don't see the manager at the moment. My

understanding was she was coming here. I feel slightly responsible. I requested this continuance because I could not make the last one. But I did inform her of the new date. But neither of us sees her here at the moment.

If we could have a second call, I could attempt to call her and find out where she is or Mr. -- or if it's -- if it's permissible to have one final continuance. I know you've got a busy agenda, maybe we could ask that -- I think there's going to be a new filing when I spoke with her. I think that's where we're headed in terms of a filing because this one seems to have become somewhat dormant, so decisions are being made.

CHAIR ANDREA JACKSON: Let's do this: Let's pick one other item on the agenda, and then see if she comes in after that one item, then we'll call you back.

ATTY JAMES RAFFERTY: Thank you.

**DISCIPLINARY: MADURA, LLC D/B/A CURRY & WOK**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Disciplinary: Madura, LLC doing business as Curry & Wok, Falgun Pathak, Manager, holder of a Common Victualer License and Entertainment License at 2378 Massachusetts Avenue due to a report received from the Cambridge Fire Department.

CHIEF GERALD REARDON: Gentlemen, you can't stand in the doorway.

CHAIR ANDREA JACKSON: Are you here for Curry & Wok?

ATTY SEAN HOPE: Yes.

CHAIR ANDREA JACKSON: Have a seat, stand, however we can get you at the table, please.

Good evening.

PREMILA MATHEWS: Good evening.

CHAIR ANDREA JACKSON: If you could please state your name for the record, spelling your first name and last name, please?

PREMILA MATHEWS: Premila Mathews,  
P-R-E-M-I-L-A --

THE REPORTER: I'm sorry, Chair, I cannot hear.

CHAIR ANDREA JACKSON: If you could speak up.

PREMILA MATHEWS: Premila, P-R-E-M-I-L-A.  
Last name is Mathews, M-A-T-H-E-W-S.

CHAIR ANDREA JACKSON: And with you?

FALGUN PATHAK: First name is Falgun,  
F-A-L-G-U-N. Last name is Pathak, P-A-T-H-A-K.

ATTY SEAN HOPE: Attorney Sean Hope.  
S-E-A-N, H-O-P-E, on behalf of Curry & Wok.

CHAIR ANDREA JACKSON: Also?

CAPTAIN CAHILL: Captain Tom Cahill,  
C-A-H-I-L-L, Cambridge Fire Department.

CHAIR ANDREA JACKSON: Captain, I would like to start with you, please.

CAPTAIN CAHILL: I had gone to Curry & Wok on July 14th of this year to do an inspection of the premises.

When I arrived that morning, I had found that there were two egresses that were blocked, one of them is going up the rear stairs to enter to the exterior of the building. And the other one is a door that's a common exit from 2380 Mass Ave.

So, in the event of an emergency at 2380, they would not have been able to open that door. And if they were able to open that door, then they would have been faced with the blocked egress to get them to the outside of the building.

I did take a picture at least of those -- of those stairs that you physically couldn't walk

through because of what was stuffed on the stairs.

In addition to the blocked egresses, there had been a fire at the restaurant on September 27 of 2014. We had eight fire trucks responded. It's what we call all companies were working. Everybody in all eight trucks were working. It was a significant fire.

Part of what -- the extinguishment was ventilating through a skylight in the roof. The glass was broken out of the skylight. There was a piece of glass that was remaining. That glass was just hanging from the skylight when I was there on this inspection on July 14th.

The pull stations for the Ansuls, for the suppression system for the cooking equipment, were blocked. There was no access to get to those.

I told Ms. Mathews that I would be back

shortly after to get those items addressed.

And I left. I went back a few hours later. The glass was still in place, the Ansuls were still blocked, and the rear egress had been cleaned up a little bit, but she had told me that somebody from another department told her that everything was okay.

As I was leaving, I noticed that the fire alarm was disconnected. There was no power to the fire alarm. I pulled the pull station, nothing was activated.

I told her that she would have to shut the restaurant down until it was resolved. She told me that it would be taken care of the next day.

I went back the next day at approximately the same time, and I found that the restaurant was open for business, the fire alarm was still not functioning, the red beacon on the front of

the building, which is an indicator there's an alarm going off and a potential emergency was activated, and it's what we call a trouble alarm was in alarm, so, when you walk in, you hear this audible alarm indicating a problem with the fire alarm.

She told me that the system was functioning, that they were going to come back and fix this later on.

I tested the system again. It still did not work.

I told her -- I expressed to her my concern because we had had four fires at this address in the course of 13 months.

She disputed the fact that she had anything to do with the first two fires, that she wasn't the owner at the time, which contradicted what we had found on-line.

There was a number of invitations to

their grand opening on August 19th of 2014,  
which, you know, it specifically mentions her.  
And I brought copies of this also. I highlighted  
the name and the date.

And this was after she had said that she  
had nothing to do with the fire on August 19 of  
2014.

So what she was telling me and what we  
had for information really contradicted itself.  
She was upset that she was shut down. I told her  
she could not reopen at this point until the  
system was functioning properly, that there was  
an inspection by the Fire Department, she needed  
the fire alarm company, she needed the Ansul  
company, and she needed all the entities needed  
to make sure that she had a functioning system.  
That lasted for approximately 14 days until she  
was able to get that done.

We scheduled a couple different

inspections. They got postponed. She wasn't ready for us.

We scheduled an inspection for July 28 for 1:00 in the afternoon. I arrived at 1:00. The alarm company was there. They had been there since 11:30. Nobody showed up to let them in.

Ms. Mathews showed up at the same time that I did. There was a little bit of a disagreement between myself and Ms. Mathews. She was very frustrated that I had shut her down.

In an effort to be as accommodating as I could, I told the alarm company that I would stay, if they could get this problem resolved within an hour, that I would stay.

I waited the hour. We were able to conduct the test, and it passed. So as of July 28th, she had been open.

I did return one other time. The egresses have remained cleared. She did have the

items that needed to be addressed, addressed.

Unfortunately, it took a series of inspections and multiple violations. She was cited on the original day for failure to abate the dangerous and hazardous conditions, specifically the hanging glass in the skylight, which is located above the seating area in the dining area, and failure to maintain the unobstructed egress.

When I came back the second day, which was July 15th and found she was open after she had been ordered to stay closed until the system was functioning, she was cited again for failure to follow orders to eliminate dangerous and hazardous conditions.

So she had been cited for three separate violation on two different citations.

I would ask the Commission to consider the struggles we have had in trying to maintain a

safe establishment. There's a history of at least three out of the four fires within 12 months where Ms. Mathews has been the responsible party, and nothing seems to change.

The egress issue, I would expect to be back to where it was once we leave here this evening, but that's been a very consistent pattern.

CHAIR ANDREA JACKSON: Thank you.

I also note that the Inspectional Services had concerns as well. There was a citation written by Inspectional Services as well, is that correct.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

CHAIR ANDREA JACKSON: That was for -- let's see -- violation, recently covered -- vermin proof, hot and cold holding, equipment thermometers and pressure gauge, hand cleanser

and hand drying, toilets issue, signage, insects, rodents.

THE REPORTER: Chair, I can't hear. I have a fan right over ME.

CHAIR ANDREA JACKSON: Sure. Insects, animals, outer openings, permit to operate, food protection, storage display, transportation, hot and cold holding, wall, ceiling attached equipment constructed, cleaning, wiping cloths, sanitized use restricted.

So it seems as though Inspectional Services had a number of issues as well with this establishment.

This is the date of inspection on August 6, 2015, and it was to remove the full dumpster within 24 hours.

This was dated -- signed by Sanitary Inspector Kristin Fernandes from Inspectional Services.

EXECUTIVE DIRECTOR ELIZABETH LINT: To my knowledge, it hasn't been removed.

CHAIR ANDREA JACKSON: It has not been removed?

Counsel, I will give you the opportunity if you would like to respond.

ATTY SEAN HOPE: Well, I think Ms. Mathews can respond directly to Captain Cahill.

But I do have a question of clarification. The Inspectional Services violations, I just asked Ms. Mathews and she said that she didn't receive copies of those notices.

PREMILA MATHEWS: They happened a couple days ago.

ATTY SEAN HOPE: The only way that I received notice of the violations have been along with the memo that was issued by the License

Commission, and Ms. Mathews can speak to this, but I also believe that the Sanitary Department for the Inspectional Services actually came to the restaurant and said in the last two weeks had came and did an inspection.

(To Ms. Mathews:) Is that your --

PREMILA MATHEWS: Yes. I was talking with Captain Cahill. I'm not aware of the fire at 8/19. I would like to have a report on that, if you don't mind, please?

CHAIR ANDREA JACKSON: You're not aware of the fire on --

PREMILA MATHEWS: 8/19.

CHIEF GERALD REARDON: What about the other three?

PREMILA MATHEWS: The other three is the 6/19, I was not there. And the 9/27 was a grease fire but --

CHIEF GERALD REARDON: How many fires do

you think you have to have to be significant?

PREMILA MATHEWS: I just started to talk about two. The first one --

CHIEF GERALD REARDON: How many fires do you think you have to have for it to become significant?

PREMILA MATHEWS: A single fire is enough.

CHIEF GERALD REARDON: Thank you.

ATTY SEAN HOPE: I think it would be helpful to --

THE REPORTER: Counsel? If you want to speak, you have to --

ATTY SEAN HOPE: I think it would be helpful for Ms. Mathews to actually talk about the specific incidents that we talked about and explain what happened with the fires 'cause they all weren't the same. I don't want them to be painted with a broad brush.

(To Ms. Mathews:) If you want to start with the --

PREMILA MATHEWS: Yes. The fire on 9/27 that is the time, that two days ago I took off the restaurant. And it was a grease fire. So I recall that was a fire. And I did not understand, maybe I misunderstood Captain Cahill, when he walked in, he didn't mention about the glass hanging over there. The glass was broken by the Fire Department on the roof. It was not because of the fire. They let the air go out. So we hired a company to clean the -- a Boston company to clean out the entire place and we paid \$15,000.

So I was not aware of this glass because Captain Cahill didn't mention about that.

CHIEF GERALD REARDON: I guess, I'm having -- I have to ask some of these questions. So you don't think a piece of glass hanging over

your establishment that's broken is something that you should take care of?

PREMILA MATHEWS: It was very tall and it was small glass, so I hired a company to take care of that, a professional company. So, I'm sorry, I was not aware of that as a big issue.

CHIEF GERALD REARDON: I mean, it's your establishment. You're in there everyday.

PREMILA MATHEWS: No, I with agree that now because it became an issue, but Captain Cahill didn't mention about that when he walked in there. I heard it from the city.

When I called there, they said these are the complaints was made, but I didn't hear directly from Captain Cahill.

So the second fire was pilot malfunctioning. So nobody put out the fire or anything, and I called because it was a fire --

THE REPORTER: Chair, I can't hear her.

Can we switch and have her closer to me?

CHAIR ANDREA JACKSON: Sure.

(Switching seats.)

THE REPORTER: Ms. Mathews, the last thing I have from you is "I called because it was a fire..."

PREMILA MATHEWS: This is when it was malfunctioning, I called the Fire Department myself to make sure that it's nothing wrong with that, so they can stop by, and the other people say there's something wrong with the -- they don't think it's a fire because I wanted to make sure the gas and fire is all set because it's a strip-up building.

So they said it's not the fire. It's just all fine, just call the -- repair the fire --

ATTY SEAN HOPE: Gas valve?

PREMILA MATHEWS: Yeah.

CHAIR ANDREA JACKSON: I'm sorry?

PREMILLA MATHEWS: Just repair the gas valve. Nobody said the fire. It was just the --

CHAIR ANDREA JACKSON: So, go ahead. I'm sorry.

PREMILA MATHEWS: And then Captain Cahill -- so this fire, you got record of the fire. Only two fires, I'm aware of. The 8/19, I'm not. I was supposed to open the restaurant, and unfortunately, when I came in to open the restaurant, as I was planned, and published in the newspapers, I was unable to as Ms. Lint had some problem with my permits.

So still restaurant was not functioning under my name or under my -- so I had a hearing on the 24th of last month -- the last month, and I was unable to have a hearing because they cancelled due to this complaint I had.

And when Captain Cahill walked in, I was

not there, and my employee was there, and the complaint that we got is the egress and the fire alarm.

So I called the fire alarm people that day itself -- that day around 2:00, Mr. Durant, the building inspector, came by, and I did clear out the egress, and he checked that, and he say that it was open 16 inches, it should open 32 inches.

So he said that as far as I opened that, I'm fine to go because I cleaned up the place, not like Mr. Captain Cahill said. It was not need to be wide open or -- he mentioned the inches approximately. I had to open a little more.

Also, Mr. Durant said I am not shut down, I can open the restaurant if the restaurant was shut down, they wouldn't have called him to come and open the -- checking out.

CHAIR ANDREA JACKSON: You didn't think you were shut down?

PREMILA MATHEWS: No. There's no writing never because I spoke to Captain Cahill on the phone. No. He said something, but it's miscommunication. I was not.

CHAIR ANDREA JACKSON: So when were you aware that you were actually shut down?

PREMILA MATHEWS: When the -- that evening I called the fire alarm people, and they came and set up my fire alarm, and Captain Cahill walked in there and -- he didn't walk in. He actually came -- I called and left a message, a long message. I called him and ask him -- this is on a Friday, I believe. I can't remember the date -- I call and ask him if everything is okay. I fixed the system, if he's coming for the inspection, and whether I can open the restaurant.

So I didn't, because, for -- in my knowledge, according to my knowledge, I'm sorry to say that, I was waiting to hear from until 5:00 p.m. because I think these are the normal regular working hours, it's not like hospitals. I never heard from him. I left a long message saying I don't want to leave him another message. I would like to hear from him.

I didn't hear from him at all. But he walked in around 6:00. 5:30, I just opened the restaurant, and he walked in and say he was driving by, and I saw this red light was going on, which for me when it's a fire alarm, it's a sign I have to go.

There was no fire siren. The people who checked my alarm system is all fixed up they said. So I left a message saying "It's fixed up. Can I open the restaurant?" He never respond. I open the restaurant at 5:30. As I spoke with the

city, I was not closed. He came in and he said that I was shut down because he wanted me to shut down. So I didn't obey his rules, so he shut me down.

And then I ask -- then he said that fire alarm was going on. He was very unhappy and he raised his voice. And I told him -- I came out, I call the fire alarm people. They said, "No, it's all set."

So I was not sure what exactly in fire terms was going on there, because I'm not a professional with the fire alarm people. I'm only a restaurant person.

So he shut me down. Then I was looking for him. I called because he was off on Friday, Saturday and Sunday.

So then we tried to get all the fire -- Captain Cahill said the Ansul system is not hooked up to the fire alarm system later on, on

Tuesday, I believe.

And then the people who came to hook up my fire system, the Ansul system people, they broke my plumbing valve. So then they had to call the plumbing people and they had to hire a plumber to fix the problem.

It took another week to get the plumber and everybody to get together.

During all this inspection, Captain Cahill said he was coming. I had to call the fire alarm people, alarm people electric people. "All the people should be there," he said. And a couple of times they all came in, I had to pay everyone to be there because they were squeezing me because I wanted to open the restaurant. I came to the city and I asked them, "I don't want to be shut down," and I ask a couple time, and they said no, because at that time only I came to know that Captain Cahill complained to the Board

of Health and other people. He never mentioned anything to me that I'm not allowed to open. He didn't mention why did he shut down. He only told me he shut down because of the fire alarm.

I went to the Fire Department and I tried to see Captain Cahill who was at an emergency fire. Also, then I ask people because it's not good for me to close the restaurant. And then one of the fire officers said that even if Captain Cahill is not there, that there are five other people they can come and check the restaurant and open the restaurant. Also, the plumbing people and the fire Ansul system people, left messages, nobody showed up. Nobody responded.

So -- but they said they are going to come back on Friday to check. Nobody came out.

So all these people we called, the phone company and the fire alarm people, they all came

together because that's what I was told to be there. It's very frustrating. Nobody showed up, as they mentioned, but they didn't fix a time. They said they would be able to. Nobody showed up show up as they mentioned to the Ansul system.

So then the last time Mr. Cahill showed up, and was really frustrating, nobody was there. Nobody was going to come. Only the plumbing -- the plumbing guy. The Ansul system guy was there.

CAPTAIN CAHILL: I'm not sure that there was much truth to what was just said, and I can't go back point by point.

The only argument I will make is that this occurred on 7/14. On 7/28 when I arrived at 13:00 in the afternoon and Ms. Mathews hadn't been there at 11:30 to let the contractors in, this system still was not

functioning from 7/14 to 7/28.

So for Ms. Mathews to say that she had scheduled inspections for me to come out there to sign off on this, doesn't seem like it holds much truth if even on 7/ 28 when I was there, the system was not a functioning system, and I waited 60 minutes with her contractor, who I had been in constant contact with throughout this entire process, and I think that you would find that if you spoke to the other agencies that she references, they're not going to agree with that story.

I do not -- Friday was my day off. She drove to a firehouse. She happened to run into a deputy chief that working that day who called me on cell phone, and he made it very clear to her that she could not open the restaurant until I inspect it. And this was on 7/17. So there's still 11 days after that until the system was

functioning.

I'm not sure I could -- I could go back to all of the different items that she mentioned that she referenced, but I would dispute all of them.

CHAIR ANDREA JACKSON: Was she given a citation in hand?

CAPTAIN CAHILL: The first day that I was there, she was not there, and I had -- I had explained to a gentleman named Carthy (phonetic) -- he wrote his last name -- and he told me that the owner was Falgun Pathak. He didn't mention Ms. Mathews in the first day.

So I ran down the list of items, and she is correct that the citation only addresses two or three of these items because there were seven, eight, nine violations that had taken place at this place between the glass, between the Ansul system. There were too many violations.

What I did was, I picked the most significant ones, but myself and Mr. -- I'll call him Carthy -- we went over each one of these line by line, and he was fully aware of them. He signed off on it.

And then the second day when I went back, where she says that somebody told her that she could open and that the fire alarm was functioning, she was issued that citation.

I'm just confused -- I'm confused that at how you operate a business with an alarm sounding, with a beacon sounding. And the problem that I had since, you know, going back to one of the original three fires where she was the owner of the establishment is that the blame gets pushed to the person that is not there.

So, for instance, the fire alarm company is not there tonight, so she was going to say that they called me. And that's a constant

problem that I had every time I went into this establishment is -- and she would say "Well, this person called you and you must not have called them back."

And I'm really not sure how -- what else to say other than very little of what she just said has any truth to it and it can't be supported by much.

CHIEF GERALD REARDON: So we had three fires since you have been the owner?

CAPTAIN CAHILL: Chief, if I may, she is saying that she was the owner as of -- I'm sorry -- she was the owner as of August 19, 2014. So there was a small cooking fire on August 19, 2014. That coincides with the article that I sent out, which is one of many, that that establishment opened, that it references owner, Premila Mathews is opening a new restaurant on this very night, quote, and that's the night of

the first fire when she was the, quote/unquote, owner.

The second fire was a significant fire. And, yes, the Fire Department did ventilate the skylight, but they ventilated the skylight because there was a fire. I don't believe there's any confusion with that.

The third fire, Ms. Mathews herself suffered burns. I received calls because she had singed eyebrows and first-degree burns to her face trying to extinguish the fire. She did refuse medical treatment, but I did receive a call that there was a burn victim that night.

Whether she made the phone call or whether it went through central station is beside the point. There was three events, three fire events at this building since she's taken over on August 19th of 2014.

CHIEF GERALD REARDON: So all three of

these seem to be hood-related/grease-related fires, Ms. Mathews?

PREMILA MATHEWS: Like I mentioned, I don't know whether you understood, I didn't say a grease fire. The second one, again, I am claiming. The first fire, I'm not aware of that, so I would like to take a look at the report then I can answer you that question.

And the second fire I said is grease fire. The third fire is malfunctioning of fryolator.

CHIEF GERALD REARDON: Fryolator?

PREMILA MATHEWS: Yeah. Not the fryolator.

ATTY SEAN HOPE: Gas valve?

PREMILA MATHEWS: Gas valve. Because that's -- the Fire Department came and they just -- because I call them and -- I called 911. I didn't call the Fire Department or anyone. I

called 911.

CHIEF GERALD REARDON: 911 is the Fire Department.

PREMILA MATHEWS: Fire Department, the police came, everybody came.

CHIEF GERALD REARDON: So after you had these accidents, you still have egresses blocked?

PREMILA MATHEWS: It's all cleaned.

CHIEF GERALD REARDON: It's cleaned now?

PREMILA MATHEWS: Yes.

CHIEF GERALD REARDON: It wasn't cleaned when he did the inspection.

PREMILA MATHEWS: It was not open as --

CHIEF GERALD REARDON: The opening needs to be 32 inches minimum. 16 inches doesn't make it. It was not open.

PREMILA MATHEWS: It's clean now.

CHIEF GERALD REARDON: I mean, the job of us is not to go out and close people down. The

job is to make sure everyone who goes into these establishments is dealing with a safe level of safety and that's our concern. And that's -- we don't take any joy in closing anyone down.

But at the same time under the law, we need to enforce the laws, and that's the job we're dealt and sometimes it's not pleasant.

But it would seem if you had several minor fires, or even if you had a significant one in November, that you would be extra cautious, as an operator, to make sure that your spot is spotless because you've already had a fire.

And, obviously, you didn't take that charge very well because we have the same situations again.

PREMILA MATHEWS: Are you referring to the three fire again, or are you referring to --

CHIEF GERALD REARDON: Let's go with one fire. Let's go with November only.

After you have a fire and stuff, you should be fully aware of what the hazards are and that things like egresses and sanitation and keeping the place clean, should be your job, number one, because you've already had incidents.

To find that you didn't do that and get caught again because of this license issue, you know, it's disheartening that you didn't take that seriously, that you didn't keep these egresses and everything clean. It's your responsibility. It's no one else's responsibility.

ATTY SEAN HOPE: If I might, I just want to add in. So I think we're talking about multiple fires, and when we came in here, I think we're not missing the seriousness of the fire and having access and egress being clear, but the three fires, whether there are two or three, they weren't all due to any reported negligence by the

operator. It sounds like in July of 2014 --

CHIEF GERALD REARDON: Counsel, I'm not even pointing the finger at negligence right now. The fact that you have a situation in your establishment should raise your heightened awareness of what is going on around you, even if it's your fault or you're not at fault, and I'm not pointing my fingers and saying "This is the fault of negligence." I never said that, but we --

ATTY SEAN HOPE: The point I was trying to make is it doesn't sound like all the fires were the result of the same issue that wasn't attended to. There was a gas valve issue, there was an issue with the venting that Captain Cahill reported, but I just wanted to make the point that these weren't three issues of the same type of issue. In July of 2014 --

CHIEF GERALD REARDON: With all due with

respect, counselor, I mean, I don't think we'd get a raise of hands here that there's gonna be anyone in this room that could say I've had three fires in my house.

ATTY SEAN HOPE: I understand. I do think this is a restaurant and I do think Captain Cahill did a very good job of reporting the issues that were causing the last -- the most recent fires.

I'd also like to make the point that all those issues have been now rectified. The fact that they weren't done at the appropriate time, I think Ms. Premila -- we talked to Ms. Mathews, that there were mitigating circumstances and we take responsibility as an operator to be able to handle this. I just wanted to make the point, though, that this wasn't the same consistent issues that was intentionally or even inadvertently ignored.

CHIEF GERALD REARDON: Let me ask you a question, counselor: So after you have a significant fire in November to go back several months later and find egresses blocked, and so forth, do you think that's significant?

ATTY SEAN HOPE: I think this is significant. And I think that the violation addresses that, and I think we have made changes --

CHIEF GERALD REARDON: Our goal here to make sure that this doesn't happen in the future and that's why we have to do this.

The public has a right to have a safe environment, and that's what we need to do. And to find someone has regressed after having a significant event, we'll call it, and still have to be reminded and cited again down the road is disheartening.

And it gives me rise to whether or not

this person should be an operator. How many chances do we give them.

ATTY SEAN HOPE: I would just say in 2014, there wasn't a citation. There was a fire, but there wasn't a citation. From the record, it looks like --

CHIEF GERALD REARDON: The thing is this: We don't take joy in writing citations. We could have written citations after that fire. The idea is you had a fire, someone's already suffered a significant loss, we want to get them on the straight and narrow and get open and be successful and be safe.

The idea is not to impose fines and impunity on someone who has already just had, you know, a financial loss. And that's not the goal.

So, could she have been cited back then? Absolutely. But, you know, that's not the goal

here to enforce a fine on someone. We just want people to do the right thing and make things safe.

PREMILA MATHEWS: Excuse me. I have a question: When you say "operator," what do you mean by operators? I was operating and while I was operating, the fire happened, you think, or it could be someone in management?

CHIEF GERALD REARDON: You're the licensee. You're the owner. You're responsible whether you're there or not. It's your establishment. You're responsible. Your employees and you are responsible for it.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any other comments?

CHIEF GERALD REARDON: None.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none -- Captain, how long were they closed? How many days?

CAPTAIN CAHILL: They were closed about 14, 15 days. They were closed from the 14th, they opened on the 15th when they shouldn't have opened, and then they were closed until the 28th.

CHAIR ANDREA JACKSON: Due to the seriousness of the allegations, I would like to make a motion that we issue a seven-day suspension, five days of which we consider time served, and two days to hold in abeyance that if there's a similar issue with the Fire Department, you will be closed for the additional two days.

Is there a second on the motion?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor

signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: How long are they held in abeyance?

CHAIR ANDREA JACKSON: Five days time served and two days in abeyance.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, for how long?

CHAIR ANDREA JACKSON: Six months.

ATTY SEAN HOPE: Madam Chair, just a point of clarification.

PREMILA MATHEWS: The one thing, the last thing I just need to say when Captain Cahill came for the final inspection, he asked for a testing, so the alarm people they had to set up things for the testing. They were prepared, they were ready, but they needed time to set up things for testing. It's not like that they were not ready,

the fire people.

CHIEF GERALD REARDON: I didn't think I had said anything about them not being ready.

PREMILA MATHEWS: Captain Cahill said when they came in for the final inspection, it was not ready, the people needed time to set up the system for testing. So they were ready.

ATTY SEAN HOPE: I would just like to clarify for the record, so it's clear, as of the 28th, all the health and safety violations that were cited were cured. That was our understanding. I just want to make sure --

CHIEF GERALD REARDON: I mean, I would just say that there's 12 violations from ISD, Sanitation. I don't know whether or not those are all clear or not.

ATTY SEAN HOPE: And so, to that point, would the violations that were cited by ISD, were those relayed from the Fire Department, or was

that Inspectional Services on their own because we received no copy of the citation but for the License Commission from Inspectional Services. So it wasn't clear how ISD was able to make those determinations.

CHIEF GERALD REARDON: Obviously, it was an on-site inspection by an inspector, so I can't answer that.

ATTY SEAN HOPE: And I only bring that up because Ms. Mathews had said that the sanitary inspectors came out to the premises and said there were no sanitary violations at that time. This is posted July 28th. That's our understanding. I just wanted to --

CHIEF GERALD REARDON: This inspection, I believe, says August 6.

PREMILA MATHEWS: Yeah, couple days ago and she said everything is fine. A couple things she missed. I was not there. And we had the

hand-wash system in a different side and then a -- she didn't pay attention to that. She said she will come back and take a look at that.

CHAIR ANDREA JACKSON: You're all set for right now.

**INFORMATIONAL: BASHA CAFE, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT: Going back to the first item, Basha Cafe.

It's my understanding she was not here.

CHAIR ANDREA JACKSON: We'll go without her.

ATTY JAMES RAFFERTY: We'll have the hearing.

CHAIR ANDREA JACKSON: Yep.

If you could please introduce yourself for the record, first name and last name, please?

ATTY JAMES RAFFERTY: Good evening, Madam Chair and Members of the Commission. James Rafferty appearing on behalf of the applicant,

Basha Cafe, LLC.

CHAIR ANDREA JACKSON: Mr. Headley?

HENDERSON HEADLEY: Henderson Headley,  
Licensing investigator.

THE REPORTER: He needs to spell his  
name.

CHAIR ANDREA JACKSON: If you could spell  
your first and last name for me, please?

HENDERSON HEADLEY: First name is Hen --  
H-E-N-D-E-R-S-O-N, last name is H-E-A-D-L-E-Y.

This establishment was inspected on  
November 15th. The report dated November 18 to  
the License Commission. And it reads as follows:  
"Please be advised that this establishment was  
investigated as instructed. The owner/manager of  
record, Sarah Shabana, was not present. The  
prospective new owner was also not present. His  
name was Tesfaye Andarge. Nevertheless, I spoke  
to Habtamu Tadesse (Tesfaye's brother). I posed

various questions to him. He stated he will be assisting his brother in the future.

According to him, ownership has not changed. Habtamu reiterated that Sarah is still owner of record and is in charge of all operations. He also stated that new events were not scheduled. In addition, no DJ and other forms of entertainment were scheduled for future programming.

Habtamu also reiterated that the prospective new management is only in training regarding kitchen operations, Cambridge rules and regulations, customer care and development, and generally receiving guidance as a precursor to taking over at some point in the future. At this time there were only four customers on the premises."

A follow-up investigation also took place in mid-January, and again: "The owner of record,

Sarah Shabana, was not present. However, the prospective new owner was present." As I stated earlier, his name is Tesfaye Andarge. "I inquired about his ownership status. He reiterated that Sarah is still the owner/manager of record. He advised she stops by on various days at different times. According to Tesfaye, there's no consistent day or time for Sarah's arrival to the establishment. He also asserted that she's in charge of all operations."

And the issue relative to training is consistent with the first report.

There was another investigation on May the 16th, 2015. Again, this investigation: "The owner/manager of record, Sarah Shabana, was not present during my visit. However, the prospective new owner (Tesfaye Andarge) was present. I inquired about his ownership again. He reiterated that Sarah is still the

owner/manager of record. He also advised that she stops by on various days and at different times. According to Tesfaye, there's no consistent day or time for Sarah's arrival to the establishment." And again: "He also asserted that she's in charge of all operations."

And the story line is the same, you know, in all three reports, that they're just there doing training, customer care development, customer -- Cambridge rules and regulations and receiving guidance, but they have not officially taken over as the new/owner manager.

CHAIR ANDREA JACKSON: Thank you.

Mr. Rafferty, can you tell us, is Ms. Shabana still the owner and manager of record?

It doesn't sound like she's ever there.

ATTY JAMES RAFFERTY: Well, it's my understanding she most definitely is the owner

and manager. As to the number of hours she spends on the premises, I have no information that would be inconsistent with what was provided to the Commission by Investigator Headley.

My understanding is that there is a very limited amount of business occurring, and that she is there not on a regular basis. She is mindful of the obligations associated with her role as manager.

I believe the entertainment license is not being utilized.

My understanding is, as noted in the reports, the individual that's involved in kitchen operations is someone who they're proposing to sell the restaurant to, and I don't have any additional information.

I regret that Ms. Shabana is not here because I can obviously understand why this would be a relevant point of inquiry of the Commission.

And I regret I don't have any additional information beyond that which I stated.

CHAIR ANDREA JACKSON: I think my concern is that, again, it just doesn't seem like she was on premise, and we had an application for someone who wanted to be the new owner, the matter was continued, has not come back on our agenda again, but, yet, it sounds like he was actually operating if she's never around.

In fact, I know that the license was paid by him. It seems like any checks that we have received have come from him and not from Ms. Shabana. So I'm just a little concerned about who is actually operating.

ATTY JAMES RAFFERTY: Any questions?

CHIEF GERALD REARDON: So, counsel, we don't know -- it would appear from the information that the new group is in there and seems to be potentially operating.

ATTY JAMES RAFFERTY: Well, as I said, I don't have any information to suggest that the facts are any different than Investigator Headley said.

It's not an uncommon practice for a prospective buyer to be an employee or someone interested. But I don't know the extent of Ms. Shabana's time on the premises.

And I know it's on for information and information could certainly lead to a disciplinary hearing where she could be facing significant sanctions.

I would ask if the Commission would be prepared to allow her to at least submit a written statement to the Commission before any decision is made as to whether this would move to the level of discipline, but I certainly understand the point of inquiry, and I, frankly, had thought that there might have been something

occurring in the last few weeks that would have accelerated the pending transfer application.

CHAIR ANDREA JACKSON: Do you know why she's not here this evening?

ATTY JAMES RAFFERTY: I may have to take responsibility for that.

I informed her when I was asked to participate in this, that my schedule didn't permit me to be here the last time and I would request a continuance. And we did -- it was my understanding that she was aware of what the continuance date was, but when I arrived here this evening, it dawned on me that I don't have a memory of specifically informing her of that date, so I would take some responsibility on the question of whether she was properly notified, and I would apologize if the notice is -- it's certainly the applicant's obligation to be here. The request was made on her behalf and I

recognize that.

And given the issues present in the informational hearing, it's certainly not helpful that she's not present here.

CHAIR ANDREA JACKSON: Comments?

Questions?

POLICE COMMISSIONER ROBERT HAAS: I guess my comment, quite honestly, there's been at least three inspections that Mr. Headley has performed, and I think there's sufficient information to suggest that we do have concerns about the responsibility of the manager of record. And I would be inclined to think, based on the informational hearing, that there might be enough information to move forward to a disciplinary hearing on this matter.

CHAIR ANDREA JACKSON: All right. Are there any members of the public that wish to be heard in this matter?

Seeing none, I would like to make a motion that we go ahead and schedule this for a future disciplinary hearing, and bring in the applicant as well for a separate hearing to ask the status.

Is there a second on the motion?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you both.

ATTY JAMES RAFFERTY: Thank you.

**APPLICATION: HK FOOD GROUP 1030, LLC,  
D/B/A WAYPOINT**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from May 19, 2015. HK Food Group 1030, LLC, doing business as Waypoint, Michael Scelfo, manager, has applied for a new

all alcoholic beverages as a restaurant license at 1030 Massachusetts Avenue with proposed hours of operation from 4:00 p.m. to 1:00 a.m., Monday through Friday, and 10:30 a.m. to 1:00 a.m., Saturday and Sunday with a proposed seating capacity of 145.

Applicant is also applying for an entertainment license to include: Audio tape machine/CD/computerized digital media to be played below, at, or above conversation level; and two TVs.

CHAIR ANDREA JACKSON: Good evening.

ATTY JAMES RAFFERTY: Good evening, Madam Chair. For the record again, James Rafferty, on behalf of the applicant.

Seated to my right is Michael Scelfo, S-C-E-L-F-O. Mr. Scelfo is one of the principals and the chef/owner/operator at this location.

CHIEF GERALD REARDON: Folks, we cannot

stand in the doorway. I'm sorry, I understand it's difficult, but...

ATTY JAMES RAFFERTY: Madam Chair, when we were here last --

CHIEF GERALD REARDON: I believe there's a spot over here, if you want. You can stand over there outside.

Sorry, counsel.

ATTY JAMES RAFFERTY: No need to apologize.

We conducted a hearing on the application. You recall -- Mr. Scelfo, you recall by the Commission he's the owner of the very successful Alden & Harlow Restaurant in Harvard Square. His colleague, Brian Lesser, is present this evening as well.

This is a proposed restaurant at 1030 Mass Ave, and an office building opposite the intersection of Ellery Street and Mass Ave in the

mid-Cambridge stretch of Massachusetts Avenue just outside of Harvard Square.

The premises is business zoned and like many of the uses around here, the prominent use at the ground floor of these premises are retailer/restaurant.

This location was particularly appealing to the applicants because there was not a high percentage of sit-down dining establishments in this location.

So we have submitted an application with a detailed floor plan and menus which chronicle Mr. Scelfo's history in the culinary world, but successes he's enjoyed at Alden & Harlow and his goal to bring similar quality dining to this location.

On the night of the hearing, or shortly before the hearing, I should say, it became known to the applicant that the building itself at 1030

Mass Ave had concerns raised in the past few years around rooftop mechanical equipment associated with other uses in the building.

My sense is that chiefly issues arose when the tenant mix in the building went from largely office to some form of R&D or lab-style uses.

Several residents appeared at the last hearing and expressed concern primarily on the acoustical issues and the matter was continued.

The continuance was helpful for us because it allowed us to have two significant meetings.

We hosted a meeting at the premises in late May or early June. The date escapes me at the moment. But it allowed us an opportunity to invite the concerned residents on Green Street, and they're largely abutters that live behind the building, and sit down in the space and, frankly,

walked them through with the floor plan, the location of the various elements of the restaurant, including where the kitchen will be located, how the trash and deliveries will be handled, where the parking will occur, and the venue is well suited, I would suggest, for this type of operation because all of that activity is occurring internal to the building.

The building is serviced by a below-grade parking facility that accommodates 60 motor vehicles, and the applicant will have use of that garage in the evenings. We had building management ownership present at the neighborhood meeting. They were able to answer questions about utilization in that garage in the evening hours, and their survey show less than 15 spaces are being used at that time.

The restaurant in its operational plans is only intended to be open for dinner, opening

at 5:00 p.m. It's the schedule that Alden & Harlow follows. They do anticipate being open for brunch on Saturdays and Sundays. So there would be an earlier opening.

But the deliveries will occur in a loading dock located in that garage area. The trash will be brought to the same loading dock and then brought out to Mass Avenue, and it's picked up a couple times a week from the Mass Ave side.

So unlike many establishments along that corridor of Mass Ave where there's a close relationship and interaction between residential uses and commercial uses, this building really does have certain advantages.

Having said all that, the neighbors shared with us the history of the building, and particularly the rooftop mechanical equipment. We understand their concerns to be legitimate and

significant, and they have been very accommodating in spending time with us, sharing with us their concerns.

What we're able to conclude at the end of the hearing at the end of the first meeting is operationally showing neighbors how it would work, and particularly the area in the kitchen where the exhaust will occur, and as a result of that, Mr. Lesser and Mr. Scelfo went back and predesigned, if you will, their exhaust system for the cooking in the restaurant.

The air conditioning and ventilation for the restaurant will occur within the existing system, so there will not be any added acoustical activity related to the air conditioning.

Admittedly, there will be an exhaust fan installed in a location where there currently is a window.

And we reviewed that location and we

then -- the applicants went and hired a sound engineer, Acentech, to go out and take measurements of ambient noise conditions and then to work with the mechanical engineer to design a system that mitigates, as much as possible, the impact from the noise that this exhaust system would have.

This exhaust is related to cooking operations at the restaurant. In cooking, the restaurant will be open -- the closing hours are alternatively between 11:00, 12:00 and 1:00 a.m., but the cooking during the week wouldn't occur much after 11:00 p.m. is Mr. Scelfo's estimate and similarly on the weekends by midnight the cooking would stop.

So any of the additional noise generated from the exhaust system would cease at that hour when there's not active cooking going on.

But even more significantly is the report

from Acentech, and we provided a copy of their most recent report today, that in the opinion of this professional engineer, there will not be any appreciable impact to the existing noise situation as a result of this exhaust system.

It has to do with existing ambient and locations of the exhaust system and we have shared that information.

We had a second meeting with the neighbors a few weeks ago. And they were again very cooperative and we appreciate the time that they took to listen to us. I think there's been a good faith effort here to try to address concerns about the building.

And at the moment, we're asking the Commission to allow us to proceed with plans. We continued this hearing since May. We had originally felt we might be here in July, but we -- it was our understanding that the neighbors

wished additional time. And I'm not sure I understood that request accurately.

But at any rate, we find ourself in a position where it is necessary to go forward this evening and seek a determination by the Commission.

I don't mean to minimize the acoustical issues because I know the neighbors deal with many acoustical issues related to this building. But I have to say in all candor that the source of acoustical discomfort that's being experienced in this building is not going to be affected by this restaurant use.

And there are a series of other uses, frankly, that could occupy that space which would not require license approval that would certainly rival any amount of noise that would be generated from a kitchen exhaust fan.

It's a commercial kitchen, but its

location in the building and the manner in which the fan is being placed interior to the space, I think the Commission could take note of the level of exchange between abutters and the forethought put into this by the operator.

We are mindful of the issues associated with the issuance of a no-value license, and we have tried to demonstrate public support by submitting over 190 signatures of Cambridge residents in support of the application.

I would note that over a hundred of those signatures are in very close proximity to the use in the neighborhood.

In addition to the petition themselves, we broke them down according to streets. You will note Fenno Street, Dana Street, Ellery Street, Hancock Street, Harvard Street, Lee Street, Franklin Street and Green Street all have significant signatures, over a hundred of the

signatures provided are from those immediate neighbors.

This restaurant will be an asset to the neighborhood. There are people who have been waiting to speak in favor of it tonight and there are other neighbors here.

So I would conclude my comments at this point other than to note that we did explore whether opportunities existed to acquire an existing license, and we have been unsuccessful.

We're unaware of any existing restaurateur looking to sell the license and we understand that is a relevant point of inquiry.

This restaurant is totally restaurant focused. We've submitted a copy of the menu and the reviews and experience at Alden & Harlow would suggest that this is first and foremost a dining destination.

Mr. Scelfo's reputation is well earned.

He's a James Beard award winning chef, and there's been a high level of enthusiasm as we have been able to talk to people in the neighborhood about this.

We're challenged by the building itself in terms of its acoustical impacts, and the applicant is committed to ensure that its presence in that building will not increase or aggravate that, and hopefully in some ways with renewed attention on this issue, it might even serve as a great impetus to have a more long-term tranquility for these neighbors.

But having said that, with the Commission's indulgence, I would stop talking and ask if the Commission might allow members of the public to weigh in.

CHAIR ANDREA JACKSON: Sure.

Do you have any comment or would you like to reserve your comments to the end?

POLICE COMMISSIONER ROBERT HAAS: Reserve my comments.

CHAIR ANDREA JACKSON: Reserve your comments to the end?

CHIEF GERALD REARDON: Yes, please.

CHAIR ANDREA JACKSON: Can I get a show of hands first how many people would like to speak on this application whether in favor or in opposition? Okay.

So what I would like to do first, if I could ask you two to maybe sit back. I don't know if you still have seats.

I would like to start first with those people who were not at the May hearing who were not able to speak then.

So if you were here for the first time and you did not give testimony at the May hearing and would like to speak now, those people can come first.

If I could ask everyone to please keep your comments to two minutes or less, otherwise we will all be here until midnight, that would be helpful.

SAM THOMPSON: I'll be very brief. So my name is Sam Thompson.

THE REPORTER: Sam, you've got to spell your name for the record.

SAM THOMPSON: My name is Sam Thompson, I live 15 Carter Street, S-A-M, T-H-O-M-P-S-O-N.

My wife and I live at that address. We have two children. We've lived at this address since 2003. Have watched a decent amount of transformation across Mass Ave, but have found great value in a lot of the restaurants that have come into the neighborhood and welcome another establishment.

I think it's brought vibrancy to the street and brought in a crowd of people that

makes living in this neighborhood enjoyable.

So, I am in full support of everything these guys are seeking to acquire when it comes to licensing and placing the restaurant at 1030 Mass Ave.

CHAIR ANDREA JACKSON: Thank you very much.

Next person.

Good evening.

MAUREEN O'NEIL: Hi.

CHAIR ANDREA JACKSON: If you could please tell us your name and saying your first -- spelling your first name and last name.

MAUREEN O'NEIL: It's Maureen,  
M-A-U-R-E-E-N, O'Neil, O--N-E-I-L. I live on  
Ellsworth Ave in between Inman and Harvard.

CHAIR ANDREA JACKSON: Speak up.

MAUREEN O'NEIL: I came to this hearing to support one restaurant and I found some

friends and I just wanted to voice my support for their license application and look forward to another great spot to have dinner and meet friends and enjoy the neighborhood in Cambridge.

CHAIR ANDREA JACKSON: Great. Thank you.

Good evening.

WENDY STONE: Hi.

CHAIR ANDREA JACKSON: If you could please tell us your name, please, spelling your first and last name.

WENDY STONE: Wendy Stone.

CHAIR ANDREA JACKSON: Could you spell it?

WENDY STONE: W-E-N-D-Y, S-T-O-N-E. I live on Green Street probably about directly behind where the restaurant will be except on the south side.

CHAIR ANDREA JACKSON: You have to speak up. There are people in back saying they can't

hear you.

WENDY STONE: I live on Green Street, pretty much directly behind the restaurant. I was not at the meeting. I have two concerns and I'll keep it very brief.

One is the size of the restaurant and the amount -- I mean it's pretty quiet -- and the amount of noise and sort've foot traffic late at night that it could generate.

I'm not sure about the number of cars and the number of foot traffic and parking, you know, on Green Street behind us.

I also just am a little concerned because I had first found out about this restaurant in May after the first meeting from a neighbor and wrote to Mr. Rafferty and asked him if he would please to inform me of any further meetings, and he said he would surely do so, but did not. So that makes me a little concerned about the

veracity of what they're presenting.

And, you know, I would like to be able to you know, see and acquire about the noise report a little more carefully.

CHAIR ANDREA JACKSON: Thank you.

Next.

DANIELLE MCDONOUGH: Hi. My name is Danielle McDonough, I'm an architectural designer.

THE REPORTER: Danielle, spell your full name, please.

DANIELLE MCDONOUGH: D-A-N-I-E-L-L-E, M-C-D-O-N-O-U-G-H. I live at 991 Mass Ave, above The Cellar, and I work at 1050 Mass Ave at Cambridge Seven Associates as an architectural designer.

Needless to say, I spend a lot of time in this area, and I think that the amount of foot traffic that has increased because of storefronts

being repopulated via Piero (phonetic), via The Handlebar has vastly increased the amount of safety I feel like in this area, but also just the general candor of neighbors amongst each other. And there's more foot traffic and I think that adding Waypoint and a seafood restaurant would be a great addition to the neighborhood.

CHAIR ANDREA JACKSON: Thank you.

Good evening.

SUSAN HOLCOMBE: Good evening. My name is Susan Holcombe, H-O-L-C-O-M-B-E. And I live at 663 Green Street. I'm not an abutter, but my husband and I look up at 1030 Massachusetts Avenue from our backyard.

I was not at the May 19th meeting. I was at the meeting that was hosted by the applicant, and I am impressed with the way in which they have, in general, tried to be concerned about the interests of neighbors and the impact upon

neighbors.

But I'm also very much aware of the issues of noise around 1030 Massachusetts Avenue. And I think that this is a major concern of people who live very close to it.

I understand that they have made some efforts to try to reduce this noise. I think the concern of some of the neighbors is that we've not had a chance to look at their data.

I'm not going to say a great deal more because some of my neighbors would say more in detail about this. But I think it would be very useful to have all the data so that this can be looked at by an independent acoustical consultant.

I think it really is an issue that noise has a very big impact on people's lives and there are other issues that one could go into, but that's the big issue.

Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

RODERICK MACNEIL: Hi. My name is Roderick MacNeil, R-O-D-E-R-I-C-K, M-A-C-N-E-I-L. I live at 9 Ellery Street. I've lived there with my girlfriend since 2007. I have had -- I would like to speak in support of this restaurant. I have lived -- sorry -- I've had good experiences at both of Michael Scelfo's restaurants in the area. They're very professionally run, very good quality restaurants.

And I think it would be a positive addition to the neighborhood.

One thing I observed living at this location, which is about 50 yards from the proposed restaurant, is that I have seen far too many empty and vacant storefronts within a few blocks of this area over the years, and that's changed somewhat for the better the last couple

years, but I would like to continue to see good successful businesses opening and operating in this area.

I think they add great value both to the neighborhood and to me as a resident.

CHAIR ANDREA JACKSON: Thank you.

ED BRODY: Hello. My name is Ed Brody, E-D, B-R-O-D-Y. I live at 661 Green Street directly behind 1030. I was at the May meeting, but I did not speak.

I'm sure we'll hear more later about our community's desire to have an independent acoustical engineer analyze the plans that have been put in place.

And I wanted to say why I thought that was important, and it's because this situation feels exactly parallel to the situation we had at 1030 where we were promised that the state-of-the-art equipment that they were buying

would be whisper quiet, and that there was an acoustic engineer who signed off on that, and it turned out to take almost a year for them to bring the amount of noise down to the ordinance, much less being whisper quiet.

So I'm not doubting the best efforts of the applicant, but I think there's a good reason for the neighborhood to be concerned.

In general, I feel with the issues of noise and of parking and of additional foot traffic late at night on Green Street, that the attitude of the applicant has been that it's noisy now and this won't make it much worse, if the street is all parked up now and this won't make it much worse.

And our opinion is that the situation is bad enough now that making it any worse at all will be a heavy strain on the neighborhood.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else?

Let me move to those who testified in May. Is there anyone else who would like to be heard in this matter?

I see a hand raised. Please come forward.

Please state your name for the record, spelling your first and last name, please.

DENA FELDSTEIN: If I face this way, people might be able to hear me because I don't speak well.

CHAIR ANDREA JACKSON: Whatever your preference is.

DENA FELDSTEIN: Great. My name is Dena D-E-N-A, Feldstein, F-E-L-D-S-T-E-I-N. And I live at 661 Green Street.

And I'm going to read this quickly, but it's all written here up to you.

CHAIR ANDREA JACKSON: I'm sorry. I

don't mean to interrupt you. If you're going to read this into the record, which is fine, and then, are you going to add comments after just be mindful of two minutes.

DENA FELDSTEIN: For the record, which is not on here, the neighbors were prepared to have the second meeting with the applicants in mid-July. We never asked for the delay. We were informed by Ms. Lint that they had -- they were not on the hearing docket for July. And that I appreciate Mr. Rafferty's comments in his appreciation of our working with them.

The building at 1030 Mass Ave is already at the limit of the legal noise level. Abutters and others already live with the constant penetrating noise which impacts our health and enjoyment. I oppose any increase in building noise from any new business at 1030 Mass Ave. Any increase at all will exceed the city's legal

limit.

We have engaged in respectful decisions with the applicants of the proposed restaurant at 1030 Mass Ave. At the first hearing, everyone agreed the applicant should have held discussions prior to the first hearing.

We have spent hours working on this in the hopes of an agreeable resolution.

Unfortunately, the applicants did not follow-through in a timely matter with information they agreed to give us and now they want to push for approval.

My key issues are: At the July 29th meeting, Jim and Brian agreed to give us the data and assumptions used by their sound engineers so we could get unbiased independent analysis of the noise from the equipment and HVAC systems of the restaurant. They knew time was of the essence.

They delayed doing this until yesterday afternoon insisting on having their engineer speak directly to our acoustician rather than enabling our independent analysis.

They had the data. It seems to me they wanted to derail or postpone our efforts. We have not been able to ascertain the validity of their engineer's assumptions and analysis.

Residents, other than abutters, are also concerned about the noise, parking, traffic, et cetera.

Jim Rafferty asked for and received a list of names of concerned residents in May -- see the attached documents -- whom he said he would keep in the loop.

CHAIR ANDREA JACKSON: I will let you finish.

DENA FELDSTEIN: He has not -- I lost my place.

CHAIR ANDREA JACKSON: Sorry.

DENA FELDSTEIN: Wendy already spoke.

Why has Jim not included her and the other residents, whose names he received?

The proposed restaurant is larger than any such establishment in our immediate neighborhood. We have every right to be concerned about the noise, traffic, parking and other problems.

The noise is my biggest concern and I do not believe the applicant has proven that the restaurant's equipment and HVAC systems will not add to the noise at 1030 Mass Ave.

We know from past experience that the HVAC system at 1030 Mass Ave that engineers can make mistakes. We can't risk another mistake.

In sum, I don't believe the residents or the License Commission have sufficient information to make a decision about the

application at this time. It is critical for the License Commission to ensure that new developments do not negatively impact residents.

As a result, at this time I ask the License Commission to turn down the applicant's request or delay the application.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

Anyone else who would like to be heard?

Sure.

If you could please state your name for the record, spelling your first name and last name, please.

HARRIET FEINBERG: My name is Harriet Feinberg. That's H-A-R-R-I-E-T, F-E-I-N-B-E-R-G.

I live at 639 Green Street directly behind 1030 Mass Ave. My house is probably -- is the closest to where the exhaust fan would be between 1030 and the next building.

I was hoping that we would have some kind of positive resolution of this matter since obviously this is a very good restaurant and a lot of people are interested in it. However, like Dena, who just spoke, I feel uncertain about what the noise impact would be because we have not been able to obtain our independent assessment by our acoustician for reasons that seem rather complicated, and I won't try to repeat.

I am not so concerned -- I've lived in Cambridge my whole adult life. I'm not so concerned about tranqent (sic) noise of, you know, a few people out on the street and so forth. We have police cars and we have fire engines, we have everything.

The thing I'm very concerned about is that is that if this goes ahead, we'll discover there's a (making long humming noise), you know,

one of those hums that just goes on and on and on. And that will be very destructive to the well-being of the abutters.

Now, it may not happen, but the problem is, we don't know that it won't happen because we don't have our independent acoustician's report.

And the whole situation arose because we were promised quiet when 1030 was changed and it didn't happen, and that is why we're all, frankly, hesitant to take anybody's word, not these particular restaurateurs, who seem like very nice people, but anybody's word that would move in and say "Oh, we're putting this equipment in and it's going to be very quiet, you will never notice it." We have heard that before.

And, therefore, at this time, I could not give you a "yes" myself to this project.

Thank you.

CHAIR ANDREA JACKSON: Right on que.

Thank you.

Is there anyone else who would like to be heard?

Good evening.

PHILIP WELLONS: So I'm Philip Wellons,  
P-H-I-L-I-P, one L, Wellons, two Ls,  
W-E-L-L-O-N-S.

What I would like to do is focus in on what you have been hearing about already. The big issue for us abutters, and I'm one, I live at 651 Green Street, so I'm right behind the building, and the big issue for us is noise, and it's been a serious issue for us since the building changed to lab services, lab use. Quite serious.

So, for us, the question is: Will the equipment that the restaurant brings in add to the noise that we hear? And we've learned a

little about acoustics in all this that just because there's additional sound, if it's quite low, it doesn't actually add to the noise that you hear because you -- what you hear is smothered by all the -- it smothers all the new noise.

So, about -- I say on July 29th, we learned -- and this is now two months after the hearing, original hearing that we attended in May -- we learned that the applicant had a study that showed the sound was actually quite low. The noise that would be produced was quite low, and there was a prediction, it wasn't based on actual sound tests, it was based on analysis.

The question for us was: How can we be sure the predictions are accurate? For reasons you heard that's of great concern to us because they haven't been accurate always in the past.

We figured we should get our own

acoustics engineer which we did. We have such a person.

The idea was that he could evaluate the predictions made by the initial study, and --

CHAIR ANDREA JACKSON: I can give you one more minute if you could get to the heart of it, please.

PHILIP WELLONS: Okay. When the applicant -- okay, let me speed this up.

We asked the applicant to give us the data that he would need to do his study. He needed the inputs that the first study used, and we asked them on July 29th at the meeting and they said, "Yes." We asked them on July 30th by email and they said, "We'll give it to you."

We asked them on July -- August 4th and they said -- well, they didn't actually answer at that point.

The problem for us was your meeting was

coming up, you know, less than two weeks after the July 29th meeting, and we had to have his analysis completed.

When did we get the data that we asked for? We never got it all, but we got some of it, the day before -- yesterday, just yesterday, there was no way our specialist could do his work.

That was quite unfortunate because we hoped we would be able to come to you with our analysis and it would be either, looks good, confirming it or, you know, we've got some problems and then we try to solve the problems.

That's what you have been hearing about all this time. We need time for this fellow, for this expert, to actually evaluate the analysis that the previous acoustical engineer gave us.

He can do it by Friday, by Friday of this

week. We're actually that close. So we're asking you, what we would really like you to do is postpone your decision until our expert can do his job, and we can come back to you, and we could all come back and say "Things look great"; we could also come back and say "Please, please, please fix this stuff." He has to get the additional material for him to complete by Friday.

And failing that, we ask you not to grant the application because we can't risk the possibility of more noise. That's to lay it out.

Thank you for the additional time.

CHAIR ANDREA JACKSON: Thank you.

Yes, I see a hand raised. Good evening.

MARILYN WELLONS: Good evening.

My name is Marilyn Wellons,  
W-E-L-L-O-N-S. I live at 651 Green Street, and I would like to speak to this issue.

To other neighbors who have spoken in favor of the restaurant, I would like to say that we have initially hoped, as you do, that the proposed restaurant would be an asset to the neighborhood.

However, as you also heard, we have --

CHAIR ANDREA JACKSON: If you could please address the Commission, please.

MARILYN WELLONS: I'm sorry, I'm sorry.

So we also have other concerns because we are most immediately affected, and what Phil Wellons said was we still don't know from an independent source what affect the proposed restaurant ventilation system will have on our noise level.

Mr. Rafferty has forgotten, yet again, that the building is not an office building. It was converted to lab use.

If you listen to lab HVAC systems, you

will find that they are 24/7 and lights from the building are also 24/7, so that we are most immediately affected by what goes on there.

So --

CHAIR ANDREA JACKSON: Can I interrupt you? I'm going to pause your time since I want to ask a question.

So when the building you said was converted from office use to lab use, did you note that the noise became worse at that time?

MARILYN WELLONS: Absolutely, yes. It was intolerable. And we called the License Commission and Andrea Boyer came out, took noise readings. The building was noticeably noncompliant.

The owners of the building met with us. They said they would remedy it. It took them eight months. They said they needed to install the equipment that they said would bring the

building into compliance, and when they did so, finally in August, I believe two years ago, there was an additional noise test, and at that point, the building was said to be compliant.

Since then, I have taken readings with a handheld gizmo at property lines and on our back porch and everywhere, and it is marginally noncompliant. For example, at 10:15 a.m. on a Sunday morning, it was a 52 decibels at our property lines.

The ambient noise from other sources at that point is minimal. So that we're fairly certain that the building is noncompliant.

And this is particularly important because if you look at what the restaurant operations actually will be and the hours, the license term ends -- when does it start? It starts at whatever hour and it ends at 1:00 a.m. In fact, the cooking and preparation of food

begins for such a thing for Saturday and Sunday  
brunch, we're told at 7:00 a.m., which means that  
the new equipment that will ventilate and clean  
the air from the cooking will begin at 7:00 a.m.  
on a Sunday.

Now that's an exceptionally quiet time  
even for Cambridge. So, there's no reading of  
the ambient noise, or even the point source for  
that hour to compare with what the projected  
decibel level for the new equipment is.

Now, I don't know, because I haven't  
seen, whether we have been given the  
specifications tables and schedules and the  
design and plans for the HVAC system proposed for  
the restaurant.

But we have hired and will need to pay  
our acoustician for time already spent with us,  
and we have all agreed to chip in to pay for the  
acoustician's analysis of the full set of data

that we requested repeatedly from the applicants and it has not been forthcoming.

As you may know, they have said that our acoustician and theirs should get together and settle this. And it's hard not to believe that this is not an attempt to steer the whole process to their desired outcome regardless of what the readings may actually be.

We know from our acoustician that it is not a pure science, that a lot depends on what your assumptions are. For example, do you take a reading at a point in time or over a week, for example? How well do you understand what the -- what the origin and the pattern of noise will be. So going back to the operations of the restaurant on weekends when it's most quiet in our neighborhood, even with the lab building, they propose to begin work adding the noise from their fan. And at night, I understand from reading the

state law and Cambridge regulations that the licensee, employees, contractors, subcontractors, cleaners, can be on the premises at any hour.

For example, if the PCU, the Pollution Control Unit, over the cooking thing is not operating properly and they need to repair it in time for the brunch the next day or even the night, they could well be in there testing the equipment in the middle of the night even when the license says, you know, ordinarily there's no alcohol served.

In addition, the -- I meant to say at the beginning, that we learned from a prior hearing tonight that there's lots of other hazards associated with restaurants.

I guess we believe that the applicants are well practiced in safety, fire and sanitation and other requirements, but I don't want you to

diminish or discount the effect of noise as a health hazard.

And so we, I believe, have a reasonable cause to ask at minimum for a delay in your decision pending what we think is a reasonable request for our acoustician to look at their data, full set, as he's requested, or failing that that you deny the license.

I'm sorry that the applicants are calling the question because we have in a sense wasted a lot of time dealing with this among ourselves, you know, we're not a corporation. We do different things. One of our neighbors is in Canada right now, and my neighbor, Dena Brody, I meant to ask at the beginning of my talk, would like to come read the email that Carol Monica has sent. She spoke at the prior meeting. But she has a new email that she sent. So just going -- for example --

CHAIR ANDREA JACKSON: If I can get you to wrap up, I have given you an extra two minutes.

MARILYN WELLONS: All right. Thank you. I realize that. I appreciate it.

So we notice from one of the memos that we got from the applicants that their acoustician says that they have made reasonably quiet fan selections for the PCU. We don't know why they're not outright quiet fan selections. We don't know what reasonably quiet fan selections are.

So I think I'm sure to remember other things that I hope to say, but I, again, ask you either to continue this or to deny the thing outright.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else who would like to be

heard?

DENA FELDSTEIN: It's up to you whether you would let me read a short note.

CHAIR ANDREA JACKSON: If you can forward it in, we can include it into the record, absolutely, yeah.

EXECUTIVE DIRECTOR ELIZABETH LINT: Was it already sent because if it was --

CHAIR ANDREA JACKSON: We received lots of emails.

DENA FELDSTEIN: She sent it to me and Phil this evening because she had -- it's like three little paragraphs.

CHAIR ANDREA JACKSON: Please identify yourself for the record.

DENA FELDSTEIN: My name is Dena, D-E-N-A, Feldstein, F-E-L-D-S-T-E-I-N, at 661 Green Street. And I'm speaking on behalf of Carol, C-A-R-O-L, Monica, M-O-N-I-C-A, at 643-645

Green Street.

"And in brief, my name is Carol Monica. I've owned 643-645 Green Street since 1970 and have owned and operated a store in Harvard Square, The Games People Play, for over 40 years.

I think I'm a dedicated Cambridge restaurant (sic). Our small neighborhood has had a problem with 1030 Mass Ave for many years. The noise from their venting is a 24/7 assault as is the lights left on at night from their various floors. I have a beautiful home and cannot leave the windows open at night. I have a beautiful garden and cannot enjoy it peacefully during the day.

The management of 1030 Mass Ave listens to our complaints, smiles and does nothing. Now they want to add a restaurant open till 1:00 a.m. weekly and start working on Sundays at 7:00 a.m. for brunch. The petitioners have been unable to

provide their -- have been unable to prove the occupancy will not add to the already too loud sounds coming from the building.

The city seems unable to deal with the violations of the sound ordinance. Your Commission is our beleaguered neighborhood's only hope.

I beg you to deny this application.

Sincerely, Carol Monica."

And I will forward it.

CHAIR ANDREA JACKSON: Thank you.

DENA FELDSTEIN: Thank you.

CHAIR ANDREA JACKSON: I believe that was all the hands that I saw.

Counsel, I will give you a chance to come back.

ATTY JAMES RAFFERTY: Thank you. As I stated earlier, Madam Chair, the applicant is extremely appreciative of the time that the

residents have spent with us on this issue, and we share the regret that we're not here in agreement at this moment.

But there was one characterization about the exchange of information that I would like to correct. Because none of the speakers mentioned a memo, August 6. There was a follow-on report from Acentech that I believe I provided a copy of to the Commission that was sent to the residents, and I believe it may not have gotten to them until August 8th by email.

But this was the memo that followed on the July 29th meeting where Mr. Lesser asked his acoustical sound engineer to please respond to certain questions raised in the July 29th report. And it has two points. It speaks to decibel addition, and the second point, too, says "How were the predictions made?"

So this information was provided.

Now there was much talk about the fact that yesterday additional information was given, but if one weren't paying careful to the attention to the paper trail here, one might think that there was no information provided between July 29th and yesterday, and that simply is factually incorrect.

After disseminating this memo, we did hear back on Friday that the memo didn't have the requested detail, so we asked for additional information and that was provided on Monday.

But in addition, throughout all of these exchanges, what's been very prominent in the email exchanges between Mr. Lesser and chiefly Mr. Wellons, has been a willingness to have our sound engineer to get in touch directly.

I want to assure the Commission and the neighbors that is not an effort to hold back information or disseminate information.

There are two issues that bear attention: One is the noise being generated at the roof of the building is related to air exhaust associated with the uses in the building, not the restaurant. And that's been a longstanding source of concern, and we understand that.

This restaurant will be using an existing HVAC system. There's nothing about the restaurant being here that's going to change the activity associated with the HVAC system. It's an internal system in the building, the sound engineer has reported.

The only new noise being created will be kitchen exhaust. And restaurants all over this city have exhausts, and they're located in a range of areas in close and sometimes very close proximity to residential uses. And those noises can be mitigated, and our effort has been to try to get the focus on this, what's called a PCU,

Pollution Control Unit, which is, in this case, a highly engineered system that reduces odors, handles grease, and really in this case is geared towards acoustical issues.

The applicants, through their contractor, searched in the Greater Boston area to find the best unit, and they found at a recent restaurant in the Boston Park Plaza Hotel introduced this system because the hotel had concerns that residents or hotel guests in the hotel were not disturbed by this venting system. And this is the system. They used Cavco as the contractor, mechanical engineer. This is the system they sourced, this is the information we shared at our meeting.

So there has been a fair -- a significant amount of exchange over this, and we are appreciative and understand that.

We simply had pragmatic limitations on

time associated with the landlord, and our focus has been that we think we understand the acoustical issues, it is an issue for people who live in close proximity, but I think the Commission has had experience with ventilating, ventilation equipment associated with cooking equipment, and I don't think there's anything to suggest, in fact, evidence is significant to the contrary, that that equipment is going to impact what is being experienced. And that is what we've tried to say "Why don't we let the acoustical professionals speak to each other so we can drive home that point?"

Now having said all this, there has been nothing unreasonable about the neighbors throughout this entire process. I regret that we're here tonight requesting a vote, and it would appear that that somehow is an indication that the neighbors have acted unreasonably. That

isn't the case. We're facing other pressures.

And we're asking the Commission to take note of the fact that this is an issue that is eminently solvable.

The latest change that we shared with the neighbors at our second meeting in the premises was the engineer's selection of locating the unit itself at the furthest point from the source of egress or the sound, the exterior wall, so that the fan and that equipment is as far away so it limits the amount of noise.

Will there be some noise? We did share the fact that we were asked at the meeting, the noise is only generated when the cooking is going on.

When do you start cooking? Well, on days when we have brunch, Mr. Scelfo did say 7:00. We've since talked about it and said, You know what? We still think it won't be heard, but we

could live with and would accept 8:00 a.m. The cooking equipment will be not turned on before 8:00 a.m. on the days in which brunch is being served, particularly on Sunday morning.

But there are countless restaurants located in residential buildings, with close proximity to residential districts that are able to effectively manage this noise. And we're saying at this point, we feel we have addressed that. We hope we have done so adequately. We have done so respectfully and with a full exchange of information, will continue to exchange that information.

We're a ways from building out the restaurant, but commitments are being pressed upon us by the landlord, and we're asking that the Commission be able to conclude that they have enough information to allow us to at least proceed.

There are opportunities for monitoring, for further engagement. I just felt -- we felt at this point that we needed to bring the issue to the Commission's attention at this time.

And we regret that there hasn't been in some eyes an adequate exchange of information, but all the information we have has been shared, and there's never been an effort here to do anything but be forthcoming. And we're hopeful that the testimony provided by other witnesses, the public support demonstrated by the signatures the petitions, the letters written to the Commission, there are by my count 15 letters from very close residents.

It's a building that has a problem admittedly with mechanical equipment associated with other uses in the building. That certainly warrants close attention to any additional noise and we would respectfully suggest that we have

met that standard in the way we've approached any possible noise impacts from our exhaust system.

Thank you.

CHAIR ANDREA JACKSON: Counsel, if I can just follow-up on one thing you said.

You said there would be opportunities for further engagement, what did you mean by that?

ATTY JAMES RAFFERTY: Well, we're committed and we will continue to meet with the neighbors to share with them this information, to make the acoustical consultants available, to have as good an understanding as possible about the concerns. We learned a lot about the building from the residents.

We learned that they endured a lot of noise when it was a grocery store, when Barsamian's was there. They shared with us, they had walk-in coolers and refrigerators in the garage and they went 24 hours.

This is a different kind of a use. So Mr. Scelfo and Mr. Lesser remain committed to remain in close contact.

There are some residential structures that are relatively close here. We learned about a pedestrian access point that I think we've been able to control.

But this is an ongoing process. Construction has not begun yet. And there would be an opportunity for us to review these issues further with the neighbors.

CHAIR ANDREA JACKSON: And does that include sharing the acoustical report with their acoustical engineer?

ATTY JAMES RAFFERTY: Oh, we have already done that. What we have been saying now for a while is let our acoustical engineers speak to each other.

I understand the data, I think, and I

wish it got to them Friday or it got to them Thursday. And I was out Friday. That data has been shared.

To the best of my knowledge that is everything that we have, and I think the caution in what has been said throughout, "Here is our acoustician, he's a respected guy. Acentech is a well regarded acoustical firm. Let them talk. If your consultant comes back with further suggestions that we can consider implementing, we're happy to look at that."

So, no, there's no suggestion here that we would terminate discussions and the commitment. We don't want to see the neighbors have to spend a lot of resources on acoustical studies, but it's a complicated issue and we, frankly, felt for some time that we could quickly focus on the issues if the professionals spoke directly with one another. So that's where we

find ourselves.

UNIDENTIFIED AUDIENCE MEMBER: Can we address that?

CHAIR ANDREA JACKSON: Not at this time.

ATTY JAMES RAFFERTY: I would just say with regard to other impact issues that are always prominent in the Commission's thinking in terms of conduct of patrons, impact on residential neighbors, and as I said earlier, I think this location, the Board could take note, I have given the interior opportunities to deal with deliveries, trash, parking that the impacts of this restaurant would be significantly less than nearly any other restaurants on that stretch of Mass Ave. And we have made arrangements to have access to that interior loading dock for all of those purposes.

So it really is a very good location. There are -- there is this challenge with the

building, and we hope we have demonstrated this, and particularly if the Commission has time to read, there's one sentence in here in the August 6th memo where he said "because 53 dba is so much louder than 32 dba, the addition of the 32 dba doesn't move the needle."

And what the acoustician said to us, if people are yelling at each other, and someone is whispering, you don't hear the people whispering, it doesn't increase it.

Now, I'm not suggesting this is a whisper and I don't want people to be offended by the metaphor or the analogy. But the science of this suggests that's what's going on on the roof of that building that is creating a hum that does occur 24 hours a day, seven days a week is not going to be impacted by a kitchen exhaust fan that will operate only when the ovens -- the grill is being operated.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Do you have any questions?

CHIEF GERALD REARDON: No further questions.

CHAIR ANDREA JACKSON: And did you say in your opening statement that you have access to the parking garage as well?

ATTY JAMES RAFFERTY: Yes.

CHAIR ANDREA JACKSON: Patrons would be able to park in the garage?

ATTY JAMES RAFFERTY: Patrons could park there. We're looking at either a valet system or direct parking, but the lease provides for that and we shared that information. It was suggested in an earlier hearing because of the change of the tenant mix in the building -- by the way,

there are still some offices in the building, my memory is quite fine, but we met with the landlord and the owner of the building, and it's true that there are a number of uses.

It's interesting there's a new cycle place -- what do they call it -- on the first floor, proving to be very popular, doesn't require a license, very active nice music pounding when you walk by.

These are uses permitted in this zoning district on what is this principal commercial corridor in the City of Cambridge.

Mass Avenue is the place where uses such as this are permitted, encouraged and allowed. And this building, in our view, is perfectly appropriate to accommodate a restaurant. One block from here in the Bay Square Condominium there's been a restaurant for years in that location. There are a series of restaurants up

and down Mass Avenue, at the base of 1105  
Massachusetts Avenue. These uses are co-existing  
in the lower floors of residential buildings.

So we understand the issues, and I  
believe firmly that the commitment here to --  
there was some reference to an earlier hearing,  
the caliber of this operation, the capital  
committed to it will ensure that a high level of  
attention will be placed on maintaining this.

And the Commission can take note, as it  
does in cases of this nature, of the experience  
of the operator, not in some other municipality,  
but less than half a mile from this location,  
this operator has proved himself to be a very  
capable and qualified operator at the Alden &  
Harlow Restaurant, and the records of this  
Commission reflect that, and I believe that's  
compelling evidence for the Commission to  
consider in determining the appropriateness of a

license for this particular operator at this location.

CHAIR ANDREA JACKSON: I will add that in my brief tenure here, I don't think I have seen an applicant go through the extreme measures that your client has taken in terms of addressing neighborhood concerns. I don't think I have seen that since I have been here.

So let me ask you this: If the Board were to vote to continue this until the Decision Hearing, which I believe is -- is that in a few weeks? Later on this month? I know you talked about a timing issue. Does that mess up your timing issue? Does that blow your timing issue?

ATTY JAMES RAFFERTY: Maybe Mr. Scelfo wants to speak to that.

MICHAEL SCELFO: We have already filed for a one-time 45-day extension within our lease

provision for time to obtain a liquor license for the location, so we're at the end of that. We have a termination date on the lease. And an open date on the lease that is, you know, looming and it takes time to, you know -- we've got to design, we've got to build, we've got more capital to raise. We have many, many hurdles to cross to get open in time.

We've made serious financial commitments, you know, we have spent extensive resources already with this project, you know, still potentially in jeopardy it seems. And, you know, I can't stress enough how willing we are to work with these people. And in a sense, you know, it's hard not to feel victimized by what is already a preexisting relationship with this building when we're merely just trying to open a restaurant here. So, you know, I would just ask for that to be considered.

CHAIR ANDREA JACKSON: So, again, if the Board were to continue this to the Decision Hearing, does that have a detrimental effect?

ATTY JAMES RAFFERTY: Well, it does have a detrimental effect, but I understand the issue before the Board, and I would only say that there's a -- there are external pressures from the landlord, but as in all matters, I think the applicant will obviously have to deal with -- defer to the Board's wisdom on that, on the timing of this.

We didn't push this to keep information away. So I know what my client's preference would be, I know the pressure they're facing with the landlord. We find ourselves up against a deadline in a lease option where payments begin and so forth. So -- but I have great faith in the judgment of the Board and have great respect for the efforts and time that residents have put

into this to date, and I could see why the Board might feel that effort needs to be respected as well.

So we would defer to the Board's judgment.

CHAIR ANDREA JACKSON: I mean, I can only speak for myself, but I feel the challenge as a board member is that you have a building that was a problem long before you proposed to open up a restaurant there. And I hate to penalize you for that. Again, I see you taking all the steps necessary to try to mitigate the noise that the neighbors have had to deal with. So I appreciate all of that, I appreciate the neighbors' concerns and I appreciate what you have done to try to mitigate it.

So I'll ask the Board, what is the Board's pleasure?

POLICE COMMISSIONER ROBERT HAAS: Madam

Chair, it seems to me that you're almost there in terms of providing the data and the information, and I think just that one last piece I think potentially could resolve this whole issue.

I understand the issue with respect to the lease extension, but I think for us to -- or for me personally to take action on this matter when you're this close, I think would be somewhat problematic, and I would be inclined to want to see us defer this until the Decision Hearing so we have opportunity to hopefully resolve this issue and, in fact, you do, in fact, have greater support from the neighborhood because of the two engineers collaborating with one another.

CHAIR ANDREA JACKSON: If it would help, we could -- the Board in terms -- if the Board votes to continue the matter, if a letter was sent, as we send it to you and copy it to the landlord as well, so they understand that you're

not the issue, it's the Board looking for additional information.

ATTY JAMES RAFFERTY: That might be helpful.

CHAIR ANDREA JACKSON: If you could come forward? And you need to state your name for the record, please.

BRIAN LESSER: Thank you. Brian Lesser.

THE REPORTER: Brian --

BRIAN LESSER: Brian Lesser.

THE REPORTER: Just spell it.

CHAIR ANDREA JACKSON: Spell it.

BRIAN LESSER: B-R-I-A-N, L-E-S-S-E-R.

Thank you for hearing us.

The only concern I would have on something like that is, if we could set out what that would mean. I understand the neighbors. We've been working in contact with them for quite some time.

But since the very beginning we were asked for one thing. They have told us they have a separate sound acoustician that they would like to work with. We have asked for the contact information from the very beginning, and we have not been given that, and all we wanted to do was connect the professionals together to go through all the data and all the information, and we have been withheld that. Because they won't -- they would like us to provide data, which then goes to their acoustician, and then they have questions and they'll relay it back to me and I've to go back. It's a large waste of time.

And what we have done is, we provided who the sound engineer was from the very beginning. We said, "Please, you have a concern, you can call them, contact them, or have your professionals deal with them directly."

I guess what I'm asking for is, if this

is the route that we're going to take, or we're allowed to take, whether we would be able to get those professionals to meet, or to at least exchange information to provide what the total outcome would be, so they'd feel comfortable.

Our sound engineer is a resident. As you see in the memo, he lives two blocks from this building. He's well aware of any impact, and he has said specifically that this will not impact the residents in this area. For all the information that he's provided, he said, "Please have them contact me directly." I have given that information over to the neighbors. I said, "Please, reach out to him directly if you have a concern.

So that's sort've where we are at now and we're at a particular point where we are --

MICHAEL SCALFO: We're hitting a point where we feel like no matter what we do, no

matter what the outcome is, we might have a hard time appeasing these people.

CHAIR ANDREA JACKSON: So with that being said, I see several neighbors with their hands up who apparently want to address that. I will allow one neighbor. You guys can it figure out amongst yourself, one neighbor, one minute, to at least address that and whether or not you will have the engineers talk to one another.

So Mr. Wellons, is that it?

PHILIP WELLONS: Phil Wellons.

CHAIR ANDREA JACKSON: If you could, please.

PHILIP WELLONS: We want the acousticians to talk to each other.

CHAIR ANDREA JACKSON: Okay.

PHILIP WELLONS: After our acoustician has had a chance to look over the material and evaluate it independently of the other

acoustician. Do you understand that? Does that makes sense to you?

CHIEF GERALD REARDON: Not totally to me.

PHILIP WELLONS: The idea is that this should be an independent -- you want an independent --

CHIEF GERALD REARDON: This shouldn't be like you show my hand and I'll show you mine. If there's a fan and a piece of equipment that they can look up on-line and independently verify the decibels, speed and so forth, I think someone could do it in a collaborative method, not necessarily you do yours and I'll come back and we'll go back. Do you see what I'm saying?

PHILIP WELLONS: Yeah. But my experience is the opposite. My experience is when I go into a situation, if I work directly with somebody, I sort've -- we together fall into a certain path. The path has already been outlined -- created by

their acoustical engineer.

What we want, and we said from the very beginning, we made it very clear, we want our acoustical engineer to get the inputs that the other fellow used. All that he used. That's all. Evaluate them, draw some initial conclusions and talk to the guy so they're on the same level.

Right now, our guy will be down here and their guy will be up here. They talked about doing this in 30 minutes. Brian sent us an email saying, you know, "If our two guys got together, they could solve it all in 30 minutes."

Our acoustical engineer said he's going to need maybe eight hours, maybe a little less to do the analysis himself.

So what we're talking about doing is getting them to talk to each other, absolutely, once they're on the same level of understanding,

otherwise, our guy is going -- is his decision going to be independent? Are they credible? We don't want to get into that. We just want them to start out at this level.

CHIEF GERALD REARDON: You know what I'm saying, we don't want to play cloak and dagger.

PHILIP WELLONS: It's not cloak and dagger at all. All we're doing is we're asking --

CHIEF GERALD REARDON: We have to evaluate systems all the time. And, you know, if you're referencing a certain fire pump and a certain speed, and you get that information to the other two people, they can independently give you an opinion on that.

PHILIP WELLONS: Well, then what we want is for our guy to independently give an opinion to us, and then go talk to their guy. I'm not expecting them to disagree. I'm expecting them

to agree.

But I want -- we want our fellow to come to the data with independence and make his own judgments.

ATTY JAMES RAFFERTY: Madam Chair, with all due respect, I don't mean to interrupt, but, I mean, it sounds as if -- there's been a very healthy exchange here, but in the 11th hour -- and I don't question anyone's motives -- there's a suggestion that information is being withheld.

And then on our side we're thinking, "Well, give us the name of who you're using." We're not saying he can't do his independent -- but why can't we at least have an understanding of who you're using and our guy and I don't think -- I mean, I would presume that whoever they're hiring has enough integrity that he can't be persuaded by our professional, and all we have been saying and I think this has led to a

little, in the final days here, a little sense of mistrust, "We won't tell you who our acoustician is until you give us the data."

And we said, "Well, we thought the data was in the August 6th memo, but it didn't have. So we sent spec sheets on Monday and we sent cut sheets and all this type of stuff, and said, "Well, it's Monday, but, you know, the hearing's Tuesday. But maybe they could still talk. Maybe they could at least begin a dialogue."

And, again, I don't want to appear critical, but there's been an unwillingness to get there. And I respect and understand Mr. Wellons' point, they want their independent analysis.

Well, let me suggest that our acoustician is as independent as theirs is. The firm is well respected. And whatever decision the Commission makes, the point being raised by Mr. Lesser is

we're hoping we could get to the point of rather narrowing this issue quickly because it has been a little perhaps mystifying on both ends as to why we haven't been able to put these people together sooner than this moment.

PHILIP WELLONS: What I can tell you is if our guy gets the data, the remaining data that he hasn't gotten yet, he has estimated that he can complete the work by Friday.

ATTY JAMES RAFFERTY: What data is that?

PHILIP WELLONS: Which is, I think, well within your time period.

CHAIR ANDREA JACKSON: I'm sorry. Excuse me. If we can just be clear. What data is it that he does not have? What is missing?

PHILIP WELLONS: He's specified -- he's looked over the -- well, first of all, let's draw back. This is a guy who said last week --

CHAIR ANDREA JACKSON: I just need to

know, what data is he missing?

PHILIP WELLONS: He doesn't know entirely at this point because he hasn't had time to his analysis. He has already told, and we've sent to you, the data that you think is missing just from what he's looked at.

CHIEF GERALD REARDON: What would your position be to giving the name and putting the two together?

PHILIP WELLONS: I would like our man to make an independent decision based upon the data that the first fellow used, and then I would like them to talk. I don't understand why there's a problem with that.

CHIEF GERALD REARDON: I don't understand why they can't talk now and they can't work collaboratively at the same time in the same direction. They're independent parties and they make independent decisions. But you've got to

make sure they're talking about the same apples and oranges so they can make their decision on the subject at hand.

PHILIP WELLONS: What I said at the beginning was still true. Their fellow has already gone through all the material and understood. So he's mastered the data.

Our guy comes in at the ground floor. He needs time to look over the data and understand it at which point he can talk.

CHIEF GERALD REARDON: This is not making sense to me at all. Not at all.

PHILIP WELLONS: It's very much like a doctor's second opinion.

CHIEF GERALD REARDON: But you have to know -- the subject has to be available to both parties so we know what we're talking about before we have a second opinion. I don't understand this at all. It makes me very leery

about this whole process.

PHILIP WELLONS: You don't understand the idea of an independent opinion?

CHIEF GERALD REARDON: Absolutely I do. But when you need to have the facts of what we're talking about and what the subject is and what the information is, and then both parties can make a reasonable determination based upon the common information.

PHILIP WELLONS: Are you asking me what the specific data are that are required?

CHIEF GERALD REARDON: Yeah, or get together so they both can ask each other, "I'm missing this on the RPM. I want to know how many centrifugal turns a minute. What model are you specifying? What is the baffle on it?"

This has to be done between the two of them so they're both on the same page and they're both evaluating independently the same set of

subjects.

PHILIP WELLONS: The first guy has already done his evaluation, but basically you're saying if we agree that our guy can talk to their guy --

CHIEF GERALD REARDON: Sure.

PHILIP WELLONS: -- then at any point you don't have any problem -- you wouldn't have any problem with him spending time mastering the material and then calling the other guy and saying "I don't get it. Something is missing here." That would be okay with you?

CHIEF GERALD REARDON: Let's get the information out so they both can evaluate.

PHILIP WELLONS: The first fellow has already done his evaluation.

CHIEF GERALD REARDON: So what? It's like saying the first doctor making an opinion and you want a second opinion, the second person

needs to know the subject and the person that you're rendering a decision that the first one did.

PHILIP WELLONS: The first -- well, my prostate cancer doctors never talked to each other.

CHAIR ANDREA JACKSON: Okay. So I'm done with the conversation. I think we need to call a vote and that's it.

Based upon the exchange we just had, I'm not a hundred percent sure that even if they get together and talk that we would even wait until the end of a month for a Decision Hearing that they would still be on the same page.

CHIEF GERALD REARDON: I'm not either.

CHAIR ANDREA JACKSON: Comments?

POLICE COMMISSIONER ROBERT HAAS: I would like to give them an opportunity to at least see if they can actually collaborate and reconcile

this issue. They've come this far.

CHAIR ANDREA JACKSON: I'll entertain a motion then.

POLICE COMMISSIONER ROBERT HAAS: I make a motion that the matter be deferred until the Decision Hearing.

CHAIR ANDREA JACKSON: With a friendly amendment then?

POLICE COMMISSIONER ROBERT HAAS: Go ahead.

CHAIR ANDREA JACKSON: So if we defer the matter until the Decision Hearing, it would be specifically to allow the two different engineers to have a conversation, and when it comes back before the Board on -- Ms. Lint, the date again?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
August 27th.

CHAIR ANDREA JACKSON: On August 27th for a vote, no further discussion?

POLICE COMMISSIONER ROBERT HAAS: I  
accept the amendment.

CHAIR ANDREA JACKSON: So a motion's been  
made with a friendly amendment, is there a  
second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor  
signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

CHIEF GERALD REARDON: Aye.

ATTY JAMES RAFFERTY: Thank you.

**APPLICATION: ROOM FOR DESSERT, LLC**  
**D/B/A FINALE DESSERTERIE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Room for Dessert, LLC, doing  
business as Finale Desserterie, Paul Conforti,  
manager, holder of an inactive all alcoholic  
beverages restaurant license at 30 Dunster Street

has applied to extend the approval of their inactive license status.

ATTY JAMES RAFFERTY: Thank you, Madam Chair. Briefly, James Rafferty on the behalf of the applicant.

The Commission earlier granted inactive status through this summer. The request is to allow for one additional period of six months until the end of calendar year to allow the applicant time to finalize their transaction with a transferee.

CHIEF GERALD REARDON: You're asking for 12/30?

ATTY JAMES RAFFERTY: Yes. End of this calendar year.

CHAIR ANDREA JACKSON: Okay. Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve to extend the inactive status of the license until 12/30/15.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

ATTY JAMES RAFFERTY: Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

There's one other inactive. Do you want to take that one quickly?

**APPLICATION: KAYA-KA, INC, D/B/A KAYA RESTAURANT**

EXECUTIVE DIRECTOR ELIZABETH LINT: Sure.

Application: Kaya-Ka, Inc, doing business as Kaya Restaurant, Yongkun Jeon, manager, holder of an inactive all alcoholic beverages restaurant license at 1924 Massachusetts Avenue has applied to extend the inactive status due to construction.

CHAIR ANDREA JACKSON: Good evening.

ATTY VINCENT PANICO: Good evening.

CHAIR ANDREA JACKSON: Can you spell your first and last name, please?

ATTY VINCENT PANICO: Vincent, V-I-N-C-E-N-T, Panico, P- as in Peter -A-N-I-C-O.

CHAIR ANDREA JACKSON: You're here on behalf of Kaya-Ka Restaurant?

ATTY VINCENT PANICO: I am indeed and request that inactive license be extended. We have a new location, and I will give the Board

the address, it's 1864 Mass Ave. It's under construction. It's across the street from the old Sears Roebuck building.

CHAIR ANDREA JACKSON: Yes.

ATTY VINCENT PANICO: So I think construction is going to take probably the better part of the year.

CHIEF GERALD REARDON: This is the one on the corner of Mass and -- the new development?

ATTY VINCENT PANICO: Yes, yes.

CHAIR ANDREA JACKSON: You're looking for an extension until what date?

ATTY VINCENT PANICO: Can we get a year from today?

CHAIR ANDREA JACKSON: It seems rather long, but --

CHIEF GERALD REARDON: It's a hole in the ground right now. So I would assume that they're probably a good seven, eight months of

construction out.

CHAIR ANDREA JACKSON: Okay. So why don't we go up until 8/1/16.

CHIEF GERALD REARDON: Okay.

CHAIR ANDREA JACKSON: I make a motion that we approve the inactive status due to construction up until 8/1/2016.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

ATTY VINCENT PANICO: Is that a Tuesday?

CHAIR ANDREA JACKSON: I'm not sure.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Probably not.

CHAIR ANDREA JACKSON: Probably not.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll

work around it.

ATTY VINCENT PANICO: Thank you very much.

CHAIR ANDREA JACKSON: You're welcome.

**APPLICATION: ASSOCIATION NOTRE DAME  
DE CAMBRIDGE, INC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Association: Notre Dame De Cambridge, Inc,  
Thomas Moore, manager, (pending ABCC approval),  
holder of an all alcoholic beverages club license  
at 2322 Massachusetts Avenue, has applied for a  
change of officers and directors.

CHAIR ANDREA JACKSON: Good evening.

THOMAS MOORE: Good evening.

CHAIR ANDREA JACKSON: If could please  
state your name for the record, spelling your  
first name and last name, please?

THOMAS MOORE: Certainly. It's Thomas  
Moore, T-H-O-M-A-S, M-O-O-R-E.

CHAIR ANDREA JACKSON: You're here this evening for a change of officers and directors?

THOMAS MOORE: So we have elections every year and we change them a lot.

I just took over as treasurer a few years ago and I have been updating the Secretary of State, there's an annual report that we have kept updated every year.

I didn't realize there was a separate change of managers/directors form that needs to be filled out as well. So Director Lint informed me of that.

There was a meeting here a few months ago for all private clubs in Cambridge. We came and she told us we need to update the form, so we did. I was asked to come to the hearing, so I'm here.

CHAIR ANDREA JACKSON: Is all the paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: We -- there's a discrepancy in regards to the certificate of good standing.

We need to have it. He has been told they don't need to have it. We're a little unsure about that.

THOMAS MOORE: Yes. So we actually applied -- so as part of the application process for the ABCC, we asked for a waiver for the certificate of good standing because we had a little bit of back taxes, and we entered into a new payment plan with the Mass Department of Revenue and we have been making the payments.

It should be paid off in just a couple months.

I don't know if this is something that could be continued, or if it could just be approved, but...

CHAIR ANDREA JACKSON: The ABCC will not

approve it, is that correct without that certificate?

EXECUTIVE DIRECTOR ELIZABETH LINT: They would need something from DOR stating that they have entered into an agreement and that they're receiving payments and that would be sufficient.

THOMAS MOORE: Sure, I can do that. I can do that.

CHAIR ANDREA JACKSON: Otherwise, you're going to be back here yet again.

THOMAS MOORE: That's fine.

CHIEF GERALD REARDON: How long has the payment been going on, Mr. Moore?

THOMAS MOORE: It was a one-year payment. It was a 12-month payment plan and it's been probably six months already.

CHAIR ANDREA JACKSON: Any additional questions?

CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the change of officers and directors for Association Notre Dame De Cambridge, Inc. Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

You're all set.

THOMAS MOORE: Thank you very much.

CHAIR ANDREA JACKSON: I make a motion to we take an eight-minute recess. Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by aye.

CHIEF GERALD REARDON: Aye.

(Short Recess Taken.)

CHAIR ANDREA JACKSON: I make a motion we go back on the record. Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: The time is 8:30.

CHAIR ANDREA JACKSON: 8:31 to be exact.

**APPLICATION: DIAMONDS CAMBRIDGE GROUP, INC,  
D/B/A PIZZA BAR**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Diamonds Cambridge Group, Inc,  
doing business as Pizza Bar, John Diamantopoulos,  
manager, holder of a wine and malt restaurant  
license at 1238 Cambridge Street has applied for  
a change of manager to Tyler Stratton, New  
Stockholder, Transfer of Stock, Change of d/b/a  
to All Star Pizza Bar, Pledge of Stock, and new  
officer/director.

CHAIR ANDREA JACKSON: Is this one that  
we --

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
believe they're going to --

ATTY GREGORY DEMAKIS: Our manager is  
stuck in Bali because there's a volcanic eruption  
and is suffering, and obviously, one of the other  
things we're asking for is a change of manager.  
We have to come back again, anyways.

CHAIR ANDREA JACKSON: Okay. If you  
could please identify yourself for the record,

giving me your first name and last name, spelling each.

ATTY GREGORY DEMAKIS: My name is Gregory Demakis, G-R-E-G-O-R-Y, Demakis, D-E-M-A-K-I-S. I'm an attorney from Lynn and I represent Diamonds Restaurant Group, and to my left is the CEO and president of Diamonds Restaurant Group, Kostas, K-O-S-T-A-S, Diamantopoulos, D-I-A-M-A-N-T-O-P-O-U-L-O-S.

And we're going to ask for a few things, but one of them was a change of manager, and as I said, Mr. Stratton, unfortunately, cannot be here tonight. And so we would ask that this be continued to the next meeting.

CHAIR ANDREA JACKSON: Sure.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we continue the application for Diamond Cambridge Group, doing business as Pizza Bar, is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll send you a letter for the next date.

**APPLICATION: HINES MIP CAMBRIDGEPARK DRIVE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hines MIP Cambridgepark Drive, LLC has applied for a garage license at 165

Cambridgepark Drive for 212 parking spaces and 2,120 gallons of gasoline in the tanks of autos only. Applicant is also applying for an open air parking lot license for three vehicles.

CHAIR ANDREA JACKSON: Is there anyone here for that matter?

Come forward.

If you could please state your name for the record, spelling your first and last name please?

SEAN SACKS: Sure. Sean Sacks, spelled S-E-A-N, S-A-C-K-S.

CHAIR ANDREA JACKSON: And if you could tell us about the project, please.

SEAN SACKS: Sure. This is a project which was approved as part of a Special Permit in the Alewife area of Cambridge. 244 apartment units, and 212 space garage with three surface spaces for car sharing.

The project is currently under construction with first occupancy scheduled for the latter half of September.

CHIEF GERALD REARDON: Is this garage integral to the building itself?

SEAN SACKS: It is, yes.

CHIEF GERALD REARDON: So that the emergency generator and all that will be a separate request at a later date or...?

SEAN SACKS: I believe so, yes. Our builder, Callahan, Incorporated has been working closely with the Fire Department, Lieutenant Taski (phonetic) and others to make sure that we comply with all the life safety requirements you guys are seeking.

CHIEF GERALD REARDON: You're doing this as a garage and getting it all squared away?

SEAN SACKS: Exactly. Everything that we're seeking here is in concert and compliant

with our Special Permit.

EXECUTIVE DIRECTOR ELIZABETH LINT: We do have the abutter notifications as well.

CHIEF GERALD REARDON: This already has passed fire prevention, so you're good.

CHAIR ANDREA JACKSON: Yes.

CHIEF GERALD REARDON: Yes.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the application for Hines MIP Cambridgepark Drive, LLC, for a garage license at 165 Cambridgepark Drive for 212 parking spaces and 2,120 gallons of gas in the tanks of autos only, and an open air parking lot license for

three vehicles.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

You're all set.

SEAN SACKS: Thank you so much.

**APPLICATION: THAI SENSATION, INC, D/B/A PEPPER  
SKY THAI SENSATION**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Thai Sensation, Inc, doing business as Pepper Sky Thai Sensation, Parkpoom Area, manager, has applied for a common victualer license at 20 Pearl Street. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said

premises with a seating capacity of 29 and operating hours from 11:30 a.m. and until 10:00 p.m. seven days per week.

CHAIR ANDREA JACKSON: If you could please state your name for the record.

WILLIAM GOLDBERG: William Goldberg.

CHAIR ANDREA JACKSON: Spelling your first and last name, please.

WILLIAM GOLDBERG: William,  
W-I-L-L-I-A-M, Goldberg, G-O-L-D-B-E-R-G.

Sorry to ask the Executive Secretary to push me ahead, but Mr. Demakis was here and he's going home and I've got to get a ride from him, so I appreciate the indulgence.

This is a -- Mr. Aree is a former employee of the Pepper Sky at 20 Pearl Street. The building became empty. He's entered into a lease for the continuation of the restaurant, but he has quite a bit of experience in this

restaurant, plus his culinary expertise.

So we're just looking for the Board to grant a victualer license depending on the approval of the various city departments.

CHIEF GERALD REARDON: So he was a -- you were an employee of the previous location at 29 Pearl?

PARKPOOM AREE: Yes.

CHIEF GERALD REARDON: How long did you work there?

PARKPOOM AREE: Since '06.

CHIEF GERALD REARDON: '06. So the idea would be to turn around and just after renovations continue --

PARKPOOM AREE: Same business.

CHIEF GERALD REARDON: Same seating, same operating hours?

ATTY WILLIAM GOLDBERG: There's 29 seats, same operating hours, no alcohol.

CHIEF GERALD REARDON: Obviously, as Mr. Goldberg said, it's still subject to the final signoff and approvals for the construction, correct?

PARKPOOM AREE: Exactly.

CHIEF GERALD REARDON: Is there a new kitchen at this location?

PARKPOOM AREE: It's no construction. It's just cleaning and changing floor and upgrade a little bit.

CHIEF GERALD REARDON: There's a kitchen in this location?

PARKPOOM AREE: Yes.

CHIEF GERALD REARDON: A full kitchen.

PARKPOOM AREE: Yes.

CHIEF GERALD REARDON: You're doing that over or just bringing that up to code?

PARKPOOM AREE: Everything up to code.

CHIEF GERALD REARDON: Thank you.

CHAIR ANDREA JACKSON: You said you have been there since 2006?

PARKPOOM AREE: Yes.

CHAIR ANDREA JACKSON: I don't recall seeing the menu. Is the menu still the same?

PARKPOOM AREE: The same, yes.

ATTY WILLIAM GOLDBERG: The menu is the same. I think we have left a copy of the menu.

PARKPOOM AREE: Yes. Might be cut down a bit.

CHAIR ANDREA JACKSON: Any further questions?

CHIEF GERALD REARDON: No further questions.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in

this matter?

Seeing none, I make a motion that we approve the CV license at 20 Pearl Street for Thai Sensation, Inc, doing business as Pepper Sky Thai Sensation.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

**APPLICATION: GOLDEN STREET, INC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Goden Street, Incorporated, Kevin Treanor, manager, has applied for an all alcoholic beverages restaurant license currently held by TON Venture Group, LLC, doing business as the Hit Wicket at 1172 Cambridge Street. The

current license is issued as a 1:00 a.m. license and the applicant is applying to operate from 11:00 a.m. to 1:00 a.m. Sunday through Wednesday and 11:00 a.m. to 2:00 a.m. Thursday through Saturday with a seating capacity of 72 and total occupancy of 99. Applicant is also applying for an alteration of premises and entertainment license to include live music with amplification for a one-person band, radio, music that can be played below at or above conversation level and eight TVs.

CHAIR ANDREA JACKSON: Good evening.

KEVIN TREANOR: Kevin Treanor,  
Commissioners.

CHAIR ANDREA JACKSON: If you could spell your name for the record, please.

KEVIN TREANOR: T-R-E-A-N-O-R.

ATTY TIFFANY STICHEL: Good evening.  
Attorney Tiffany Stichel for the applicant.

That's T-I-F-F-A-N-Y, S-T-I-C-H-E-L.

CHAIR ANDREA JACKSON: If you could tell us what you're proposing?

KEVIN TREANOR: Yes. I just want to give you a bit of a history with me in Inman Square. And I'm in the business 25 years.

I lived on the West Coast for a few years, and then I moved here in 1993 to help the guys that own the Druid which is still there, but different owners now, to help open the Druid, and there, I was working there, actually with Joey McCabe, who is here tonight.

We decided to open our own space in Central Square called the Phoenix Landing. I now currently own four restaurants. I own Trinity in Norton, Hugh O'Neill's in Malden, and I own The Merchant in Downtown Crossing in Boston.

I came across this location, it's called Hit Wicket, I am actually part of the

neighborhood. I own the building across the road at 1099, which is two retail spaces and four apartments. So I know the neighborhood very well.

And my proposal is to put in a modern gastro pub. I brought in a designer who designed The Merchant and also Eastern Standard and Legal Sea Foods' newest design.

The plan is -- I believe you have some pictures -- to put a new entrance on Cambridge Street. Put a new entrance in here. The room is split up. The bar is here right now. So this would be a new entrance coming in here and this would be the main focal, the big room, which seems to be totally divided up from the smaller room. It's 72 seats, and I'll give you a copy of the menu. It would be a modern gastro pub.

7:30/8, 1:30 on Thursday, Friday and Saturday night.

And I know there is some other bars in the neighborhood that have a 2:00. That's why I applied for the 2:00. I know that might be contentious.

Regarding the Phoenix Landing, we have won numerous awards. Boston Magazine in the last year, we have won best sports bar, best Irish bar. We were voted one of the top bars in America. I think we've helped out at least 50, 60 charities during our time at Phoenix Landing, and I'm especially connected to an organization called Tutoring Plus where my partner is on the Board of Directors.

So what I'm saying is we work with the neighborhood. I actually found that write-up from The Chronicle 20 years ago which I just showed the Fire Chief.

So we have been part of the Cambridge neighborhood for 23, 24 years. I think I'm going

to enhance that block with this new gastro pub.

You can see the pictures.

This is the materials that we're going to use. And basically what -- I am reaching out to a lot of people in the hospitality that have nowhere to eat after they finish work at 11:00 or 12:00, so I think there's a need for people to have a late night menu, which we're doing down The Merchant right now, we serve the food to 1:00 every night, even though we're down in the financial area.

I know there's a lot of young professionals all around there, and families, and so I think it's going to be a really cool gastro pub, that's what I'm trying to put in with good food.

CHAIR ANDREA JACKSON: I know that we received several emails, letters, et cetera, from neighbors both in support and in opposition, and

they will certainly have the opportunity to be heard this evening, but I would like to ask, how would you address their concerns as it relates to neighborhood noise?

KEVIN TREANOR: Well, the noise is -- we're building the bar along the side of Tremont Street, so those actual windows would be blocked in with blue slats. If you can see the blue slats in the front. It's a design from a pub in London we have seen. There won't be any sign emulating (sic) out from that area.

So Tremont Street is pretty much covered. We're going to open up the windows on the front, and they will be certainly closed up at 9:00. We'll be doing all the construction, so we'll make sure everything is soundproofed.

Our landlord is here today as well. He is actually doing extensive redevelopment on his property above us. So we have already talked

about the soundproofing and we will certainly make sure that there's no noise emanating up to the apartments above.

I see this as a hang-out pub. People are getting away from the live music, dance places, you know, it's more like hanging out.

I think there's enough young people that like to stay out till 2:00 in the morning. And I think it's going to be a really good spot. And it's going to enhance the neighborhood. I'm already part of the neighborhood. And it's in my interest to put something in there that will bring the neighborhood even up further.

CHIEF GERALD REARDON: Is the present seating capacity 72?

KEVIN TREANOR: We're keeping the capacity at 99, including staff. So I'm not exactly sure what they had on the seating. It's pretty similar, but in a different setup, of

course. They had the bar on the smaller side, which we see a 22 seater on that side which could be used as private parties for, you know, private events.

We're certainly going to show some sports and it's just going to be about 20 draft beers, plenty selection of bottled beers, and just basically, a gastro pub, like the modern gastro pubs they have in New York and all around Boston right now.

CHAIR ANDREA JACKSON: I know you also asked for live entertainment. Where would that fit at in terms of this floor plan?

KEVIN TREANOR: I was thinking it would be after. Actually I might move one of these tables at the window on the front, or either on the back here. Move these two tables out nearest to the entrance to the kitchen. Somewhere in that region there.

CHIEF GERALD REARDON: Where would you locate them when you move them out?

KEVIN TREANOR: Oh, there's a huge basement. Yeah, there's tons of room downstairs. The basement is actually the full size of the...

CHIEF GERALD REARDON: You have interior access to the basement?

KEVIN TREANOR: There's two entrances from the bar to the basement.

CHAIR ANDREA JACKSON: If you had the live entertainment in the front, do you think that would present a noise issue for the neighborhood?

KEVIN TREANOR: I wouldn't have them plugged in. It would be more acoustic. I'm hoping not to go down that road if I don't need to.

CHAIR ANDREA JACKSON: I know in the file

I didn't see there were signoffs from zoning as it related to live entertainment, do you have signoffs?

KEVIN TREANOR: The signoff for one person, one person, but not for any more than one.

CHAIR ANDREA JACKSON: Do you have the signed form because, again, it wasn't in the file. I don't remember seeing it.

KEVIN TREANOR: I don't know. I got -- Christopher actually went in and got -- he told me that I could apply for it. I'm not sure.

CHAIR ANDREA JACKSON: Okay.

KEVIN TREANOR: I will double-check on that. If it's not available, that's not a problem.

CHAIR ANDREA JACKSON: Do you have any questions?

CHIEF GERALD REARDON: Well, there's a

little bit of difference when you read in terms of live entertainment, include amplification, one person versus acoustic is probably a bit -- I'm just --

KEVIN TREANOR: Yeah, I understand. I have to find out about the signoff on that. I said to Christopher, if he could find out what I could apply for.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: So is your plan to have just acoustic live entertainment or you're going to amplified music inside the restaurant?

KEVIN TREANOR: Well, my plan was just to have no entertainment unless I do some session on a Sunday or something, but I'd rather -- I take that out if that's a problem.

POLICE COMMISSIONER ROBERT HAAS: So that

music, would that be at or below conversation level?

KEVIN TREANOR: I would say after a certain time above conversation after 11:00 maybe.

POLICE COMMISSIONER ROBERT HAAS: So would it be above or below?

KEVIN TREANOR: Above. Below up till 11:00 until we put in the late night menu.

POLICE COMMISSIONER ROBERT HAAS: Then you would raise the amplification?

KEVIN TREANOR: Just slightly, yeah.

CHAIR ANDREA JACKSON: That sounds almost backwards.

POLICE COMMISSIONER ROBERT HAAS: Yeah.

CHAIR ANDREA JACKSON: Wouldn't you want to lower the sound say at 11:00?

KEVIN TREANOR: No, I would be hoping to bring in some younger people after 11:00.

Families from 5:00 to 11:00.

CHAIR ANDREA JACKSON: I would venture to guess that's not gonna go over well with the neighborhood, but I will hear from them.

Do you want to hear from the neighbors and get back to that?

POLICE COMMISSIONER ROBERT HAAS: Yeah, I think we should.

CHAIR ANDREA JACKSON: If I can ask you guys to maybe scoot over to the side, and I would like to be able to hear from the neighbors.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you have the abutter notifications?

KEVIN TREANOR: I gave them to Ellen in the office. There was only five on the list, but there's like 20.

CHAIR ANDREA JACKSON: When did you do that? Recently?

KEVIN TREANOR: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have the receipts, but I don't have the cards.

KEVIN TREANOR: That's the receipts.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, the green cards.

KEVIN TREANOR: I'm not sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: They would come back to you.

KEVIN TREANOR: I didn't get any green cards back to me. Just receipts for registered mail.

CHAIR ANDREA JACKSON: I would like to open it up for public testimony. I'm going to work my way -- anyone standing up first and work my way first row back. Everybody gets two minutes or less. If you heard something that one of your neighbors previously said, "ditto" would be wonderful.

I will start with people standing first.

MICHAEL CRAWFORD: Michal Crawford is my name.

CHAIR ANDREA JACKSON: Just have a seat. If you could spell your first name and last name, please?

MICHAEL CRAWFORD: M-I-C-H-A-E-L, C-R-A-W-F-O-R-D. I own the Druid in Inman Square and I have known Kevin for about 23 years, since he opened the Druid with the previous owners and I have -- I think what he has in mind for the neighborhood would be fantastic, a gastro pub. Inman Square needs something like that.

I think it will bring more people in, and be great for the neighborhood.

CHAIR ANDREA JACKSON: Thank you.

Would you like to be heard?

NATHAN NEEL: My name is Nathan Neel, N-A-T-H-A-N, N-E-E-L. I live on 79A Tremont Street. I've lived there for over 30 years.

We had a terrible experience there for many years, with a 2:00 a.m. closing license. I don't know of anybody that's in favor of it. We don't want any loud entertainment or any entertainment late at night.

Inman Square on the side of Prospect Street where the Druid is a very different place from our side. This is a residential street. The houses are four deep between Tremont Street and Prospect Street. There's a lot of people living there. You wouldn't know it just to drive down Tremont Street. We had enough disruption. We have too many restaurants. We have too many bars in our neighborhood. There's no place to park. The people leave the bars late at night, yelling and screaming, doing all kinds of things.

What we really -- up -- once we got rid of the notorious Night & Day Lounge, what we had there was restaurants with a bar. Now it appears

we're going in the direction of a bar with a restaurant. I hope that's not true.

And I just want to say once again, no 2:00 a.m. closing, please.

CHAIR ANDREA JACKSON: Thank you.

Next.

CHRIS KOURTIDIS: Yes. My name is Chris Kourtidis, K-O-U-R-T-I-D-I-S. I'm actually the owner of the property. I've owned that property since 1994. I had my own restaurant at one time there from 1996 to 1999, it was a Greek restaurant. I've had two tenants since then.

Unfortunately, the last tenant, the Cricket theme restaurant, didn't do as well as the previous owners wanted to, so I have had a chance to meet with Kevin, I've seen his operation, and me being also a restaurateur, he runs a very good restaurant establishment at each of the locations I visited and I just hope he

does as well. That's it.

CHAIR ANDREA JACKSON: Thank you.

Good evening.

ASHLEY SEROTTA: Hi. Ashley Serotta,  
A-S-H-L-E-Y, S-E-R-O-T-T-A.

I live at 84 Tremont Street. I'm not sure if I am considered an abutter. I live two doors down. I received no notification, no contact from the applicant.

To reiterate, I am in favor of a new restaurant actually surviving in this location. We need it. The foot traffic since it has been gone has been terrible.

In terms of loiters out front, we would like to see a healthy restaurant thrive there. I am not in favor of a 2:00 a.m. license. I am not in favor of any noise above conversation level at any hour.

We have a daycare next door to the

building across the street from the building. We have a lot of residents over here. I'm not in favor of any performance that's amplified.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else standing that would like to come? Nope, okay.

Go to the first row.

HARVEY HALPERN: Harvey, H-A-R-V-E-Y, Halpern, H-A-L-P-E-R-N. I live at 73 Tremont Street and have since 1982, and I don't know if the present Police Commissioner was involved with the department back when the Night & Day Lounge was there.

POLICE COMMISSIONER ROBERT HAAS:

(Nodding.)

HARVEY HALPERN: But it was a war zone. I mean every Friday and Saturday night when the place closed, the problem wasn't the noise, by soundproofing the building, the problem was the

noise created by the people who left the building drunk at that hour and decided to have fights, decided to throw bottles, decided to defecate on people's front porches. It's unacceptable.

We were here multiple times to fight their 2:00 a.m. and I am totally opposed to a 2:00 a.m. license, and I do not think Inman Square needs a gastro pub. We have plenty of bars that sell plenty of food.

We do not need another bar bringing more people and more people drinking into a residential area that has children and residents who do not want to be woken up every Friday and Saturday at 2:00 a.m.

Thank you.

CHAIR ANDREA JACKSON: Before you leave, can I ask you a question?

HARVEY HALPERN: Yes.

CHAIR ANDREA JACKSON: Thank you. First,

you said you're opposed to a 2:00 a.m. Would you be opposed, if the hours were decreased, not saying that's on the table --

HARVEY HALPERN: I'm opposed to having another bar in our neighborhood, but the 2:00 a.m. is totally unacceptable.

If you lived on that street, you wouldn't even consider this. If you knew what it was like when Night & Day was there.

CHAIR ANDREA JACKSON: Thank you.

HARVEY HALPERN: You're welcome.

MAUREEN O'NEIL: Hi. My name is Maureen O'Neil, M-A-U-R-E-E-N, O-'-N-E-I-L. I live in Inman Square, and I've been a resident in Inman Square for six years, but in Cambridge for about 24.

I have known Kevin Treanor and his current partner for over 20 years, and I'm here to support his license application and everything

he is sort've looking for.

I've spent a lot of time at the restaurants and bars in Inman Square, and I can understand hearing some of the other people, something that happened 20 or 30 years ago, or even ten years ago, is not the Inman Square that I know and where I spend most of my time at the different restaurants and the different bars.

And I feel like maybe there's some other -- the neighbors think this is going to be a bar, but it's a restaurant where people my age, single people, married people, young people, old people can walk down the street and have a drink and meet their friends and have dinner or watch a game, so I wanted to come here and support Kevin's effort and have that be on the record.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

JOSEPH THOMAS MCCABE: Hello. Madam

Chair, Chief, Commissioner, my name is Joseph

Thomas McCabe, J-O-S-E-P-H, Thomas, M-c-C-A-B-E.

And I would like to start by saying I met Kevin Treanor 26 years ago when I came to help build the Druid as the construction team, I met Kevin, we hung out for a while, then he became the manager of the Druid which I, in turn, stayed on, I was going to head out, but I stayed around, and worked there for a few years with him.

From there we went, as he said, opened the Phoenix Landing and we've been there for 20 years and it speaks for itself.

I'm actually here to back up his integrity and his honor. If he says he's going to do this, he will do this. We have been done business for 25 years together. We've owned college bars in Boston. There's nothing hard enough to own a college bar, especially in the BC area. We ran it for 17 years. And when we did

finally close it, just a year and a half ago, the mayor congratulated us on doing a fantastic job. You gentlemen might remember back as The Arc back in the '70s and '80s it was supposed to be a disaster. We took it 17 years and ran it for 17 years. Excellent. We did a great job.

But getting back to Kevin Treanor's ability to run these places and what he says will happen. He's not trying to get the license, get in business and dah-dah-dah.

His record speaks for itself. You know, he's No. 10 bar in America. He keeps winning the best of Boston. The mayor of Boston invited him down to help reinvent that square there where Filene's is, you know.

CHIEF GERALD REARDON: Downtown Crossing.

CHAIR ANDREA JACKSON: Downtown Crossing.

JOSEPH THOMAS MCCABE: I live here in Cambridge. I haven't left Cambridge in 25 years.

I don't bother too much in Boston. Inman Square, I lived there for six years. It's a bit small for me. Central Square suits me better. That's where I live, down that end now. But we know the neighborhood. We met our wives there. Our children were born here. My children go to school here at Rindge and Latin. It's not like we're in to make something out and get out. We do know our stuff and this man I just hate to -- I am here to vouch for his integrity and honesty to the Board.

Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

OLIVIA PETERS: Hi. I'm Olivia Peters.

O-L-I-V-I-A, P-E-T-E-R-S. I live at 8890 Tremont Street. We're the property that would directly abut the back of the gastro pub.

And I'm here, in general, to speak in support of his concepts. I feel like he's trying

to open a little bit of a classier establishment than the previous one that people were pretty upset about.

In general, we're most excited about the concept of a sports bar, somewhere that you can go in, they will actually have all the games and all of the channels. We currently are a big sports fans, Steelers fans, Giant fans.

CHAIR ANDREA JACKSON: I won't hold that against you.

OLIVIA PETERS: My boyfriend is originally from Syracuse so Syracuse basketball games, stuff like that has just traditionally not been accessible to us in Inman Square. We need to take our business to Somerville either up to Old McGoon Saloon or to Parlor Sports or elsewhere.

CHAIR ANDREA JACKSON: Or switch to be a Patriots fan.

OLIVIA PETERS: We were very excited to hear that there's a concept looking to open that would offer us something that Inman Square doesn't already offer.

Personally we have no use for an entertainment license. I don't think that is something that necessarily jives with how we would see our patronage of this establishment. And kind've the same with the 2:00 a.m. license. Honestly, we're up at 4:00 and 5:00 in the morning everyday, so the difference between 1:00 and 2:00 closing is negligible to us, but I can completely see why people would be anxious about a 2:00 a.m. closing.

But, in general, this is something to us that brings a lot of value to our neighborhood, and it's something that we don't currently have.

CHAIR ANDREA JACKSON: You're a direct abutter?

OLIVIA PETERS: I'm a direct abutter. We actually share an alleyway separated by --

CHAIR ANDREA JACKSON: I was there this morning. So the house right there on the other side?

OLIVIA PETERS: The pink house on the other side of the little chain-link fence. Right now we don't see too much trouble with -- I'm not anticipating trouble with the neighborhood. Right now, we actually share with Hit Wicket and they probably create more noise and having nothing to do and being constantly out -- I mean, when they're open, constantly out and then in the alley smoking cigarettes, and they didn't have much business. And, yeah, we, you know, kinda -- we see the ups and downs. We can see the increased noise and, you know, the people maybe sitting on our front steps. But I think, in general, and I've talked to the other owners in

the building saying in general we support this project because we feel like the value of having a sports establishment outweighs the possible kind of disruptions next door.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else that would like to be heard?

OLIVIA PETERS: Also, we did get an abutter's notice. We got the registered mail. I don't think we actually picked it up.

JEANNE GARRISON: Hi.

CHAIR ANDREA JACKSON: Good evening.

JEANNE GARRISON: Jeanne, J-E-A-N-N-E, Garrison, G-A-R-R-I-S-O-N.

I live at 71 Tremont Street. I won't read this, but I believe you have a copy of this letter from my husband, Timothy Stein.

CHAIR ANDREA JACKSON: Yes.

JEANNE GARRISON: So I don't need to read

that into the record, right?

CHIEF GERALD REARDON: No.

JEANNE GARRISON: It's part of the package, okay.

I'm primarily concerned about 2:00 a.m. and noise. There are a lot of bars in Inman Square, and people walking down Tremont Street on their way home are often noisy, and I would ask that the Board impose a 1:00 a.m. closing.

I'm also a little concerned about -- there's a -- it's a family neighborhood quite a bit now, young kids in the neighborhood, and a daycare across the street on the opposite corner of Tremont, so I'm not quite sure how that fits with people who will be going and drinking starting at 11:00 a.m. because the daycare will be in session and the kids will be around.

We have a lot of new bars in the neighborhood, Bukowski's is in and there's a

Hops N Scotch. These places serve food, but there also seems to me primarily bars and so, you know, 50 draft beer sounds like a lot of beers, and I'm assuming this is also a liquor license for all types of alcoholic beverages, is that true?

CHAIR ANDREA JACKSON: Yes.

JEANNE GARRISON: So, I love the Druid, if it was going to be something like the Druid with a nice balance of food and alcohol, that would be nice. I, you know -- the more people have to drink, the louder they are going home, and if we could push that back to 1:00, that would be really preferable.

CHAIR ANDREA JACKSON: Okay. Thank you.

Is there anyone else that would like to be heard in this matter?

STEPHEN MICHAELS: Good evening. My name is Stephen Michaels, that's S-T-E-P-H-E-N,

M-I-C-H-A-E-L-S. I live at 82 Tremont Street. I have been living there for 17 years.

My concerns have been expressed to the Commission in an email that I sent to Ms. Lint's attention yesterday.

I just wanted to reiterate my primary concerns are those about noise, especially late in the evening, and that includes the noise associated with dispersal of the crowd at closing time. Because if you have a crowd that has been in a bar with as many as 72 patrons and eight TV screens watching a sports event and drinking all evening, they're likely to be fairly noisy, and when they disperse, they will be dispersing down Tremont Street as well as down Cambridge Street.

Inman Square is very poorly served with late night transportation in terms of public transportation, so -- and there's no parking to

be had in the evenings around there because of the combination of very limited public lot and the residential permit area. So people are going to be dispersing by foot when the closing is and I'm very concerned about a 2:00 a.m. closing. I would like to see earlier.

And I'm also concerned about the noise from amplified music as well. And my other neighbors that have expressed concerns. I will go ditto with them as well.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

PHOEBE LEED: Hi. My name is Phoebe Leed, P-H-O-E-B-E, L-E-E-D. And I have already written a letter objecting to the 2:00 a.m. license.

But I just want to say that Mr. Treanor doesn't seem to understand the noise problems when he's talking about that you would want to

increase the noise after 11:00 because that's when the young people come in and he would want to serve more young people at that hour. That seems inconsiderate, and also there's a lot of talk about it being a sports bar and not being a gastro pub, and since the Phoenix Landing has a pretty strong reputation as a sports bar, that's also quite a loud crowd.

So I would be against any late night activity of that sort either.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

TIMOTHY WARNER: Good evening. My name is Timothy Warner, T-I-M-O-T-H-Y, W-A-R-N-E-R. I'm here in support of Mr. Treanor. I have known Kevin since 2003. He's a successful business owner, as John McCabe clearly pointed out. He runs very high standard establishments.

I want to point out that the fact that

he's a member of the community would make it so that he would want to do better by the community that he's going into. So some of the concerns that the neighbors are pointing out, it would be in his best interest to take care of as a member of the community. And I have complete faith in the fact that he will be able to work with the neighbors and listen with the neighbors as he has on his successful bars.

Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

BOB MCCALLUM: How are you doing?

CHAIR ANDREA JACKSON: Hi.

BOB MCCALLUM: I'm Bob McCallum,

M-c-C-A-L-L-U-M.

I'm a friend of Kevin Treanor's. I'm here to support him today. I live on Ellsworth Avenue in Cambridge, Inman Square, and I have frequented Kevin's establishments with my family

numerous occasions. I've never experienced any, you know, issues or concerns. I mean, Kevin runs a reputable business, proven over the years.

As a neighborhood member, you know, I feel that we need someone like Kevin in the neighborhood. I guess I have a hard time driving through there seeing a lot of these vacant buildings, and I think Kevin brings a lot to the community. He has proven it over the years, and I feel that he's earned, you know, to have this establishment set up how he would like to establish it.

CHAIR ANDREA JACKSON: Thank you.

Good evening.

SARAH GIBSON: My name is Sarah Gibson, S-A-R-A-H, G-I-B-S-O-N. I live at 73 Tremont Street. I would echo what many of my neighbors on Tremont Street have already said.

I guess I would like to make one or two

additional points. One is that I think that earlier this evening, when we were listening to the discussion about the restaurant at 1030 Mass Ave, I was struck by how much interaction there had been between the owner of that business and the community. And I would say there's been very little of that in this case.

I also find it somewhat stunning that the operator of this business would proposed amplifying music after 11:00. I think it's sort've completely obvious that a neighborhood would not be in favor of that. And I think it shows some sort of common disregard for common sense courtesy of neighbors.

And, finally, I would hope that this is a case in which the Commission would listen to whether the neighbors want this business among them.

If this were a restaurant serving

alcohol, I might well be in favor of it, but this is clearly a restaurant masquerading as a bar.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

ASHLEY MATEUS: Hi. My name is Ashley Mateus, A-S-H-L-E-Y, M-A-T-E-U-S. So I am here to express my concerns. I live on Tremont Street along with many of my neighbors.

My biggest concern -- actually I wasn't sure when I was going to speak was -- when he said at 11:00 a.m. amplifying noise, that would actually be a very big problem for me living near that.

I'm also worried about the noise when people leave at 2:00 a.m. So I would encourage you not to allow a 2:00 a.m. closing and also not to allow amplification of the music besides that, I say ditto to my neighbors and also to my husband who is probably speaking next.

Thank you.

JAIME MATEUS: Good evening. My name is Jaime Mateus, J-A-M-I-E, M-A-T-E-U-S. I'm also a resident at Tremont Street. I'm not an immediate abutter. I guess I'm an abutter to the abutter.

We received no notice of this which I think is not a good way to start this conversation or lack of conversation.

And especially with someone that has had a lot of experience in this industry, it's surprising that they don't have more of a desire to engage with the local community.

I understand there might have been a meeting earlier yesterday, which I found out through social media. Eight hours' notice the day before hearing, just doesn't cut it.

My main concerns are really the noise and the closing time as some of the residents -- as some of you heard, there's two parts to the noise

problem.

One is noise coming from inside the pub and the fact that there are large windows throughout the Tremont side and Cambridge Street side of that building. Maybe there is a plan to cover those up.

Again, we have not been informed, so it's hard for me to access that.

And, secondly, as the noise when people come out of that pub, as has been mentioned before. You know, look at the Phoenix Landing as a case study and ask the residents who live around Phoenix Landing how they like 2:00 in the mornings. I have been there at 2:00 in the morning. It is noisy. So what measures has the applicant taken to reduce the noise around the Phoenix Landing in a similar situation?

I think it's a really hard -- it's really a hard task to manage. And we're entirely

opposed to the 2:00 a.m. closing time.

It will be one of the few bars in there that has a 2:00 a.m. closing time, which means whenever places close at 11:00, midnight or 1:00, the 2:00 a.m. bars are going to have more and more people.

And we're also entirely against any noise above conversation level. Again, that building is not well insulated, noise is going to be coming out into the streets. And I think there's no need for an entertainment license that allows that type of noise.

Also, I was looking through the alcohol rules and regulations of the Cambridge Licensing Commission has on the website, and on Page 26 it says, you know, "As a result of a special meeting the Commission voted three to zero to continue the same policy which allows no new 2:00 a.m. licenses." So maybe there's something that was

changed since this. This is the latest I could find. So I think that sets a pretty strong -- you know, it seems like those are the regulations here.

Finally, in reviewing the materials that the applicant has submitted for this, you know, there are several sections that ask questions along the lines of: "Has any license held by you ever been revoked, suspended or otherwise subject to the disciplinary action?" In all those cases, the "no" box is ticked.

Given what we've heard in favor of the application, it seems he has a very good track record, but I would just like to point out, that it's not a perfect track record. You know, if we look at The Matromore, Incorporated (phonetic) doing business as An Tua Nua, which also was formerly owned by the applicant, license premise violations hearing from Licensing Board, City of

Boston, patrons blocking sidewalk and obstructing traffic, some patrons had alcoholic beverages in violation of, you know, certain statutes and I can -- that's 2012. There's other minor violations.

JOSEPH THOMAS MCCABE: This is Boston. This is not Cambridge.

JAIME MATEUS: I know, but --

CHAIR ANDREA JACKSON: You can direct -- excuse me, you can direct your concerns afterwards to me, but I would like to let him finish first.

JAMIE MATEUS: This may be Boston or Cambridge, it's still a venue that was owned by the same applicant, and if we're looking at that person's track record and history in this line of business, I think it is entirely relevant.

And I have a series of other more minor violations that I would be happy hand --

JOSEPH THOMAS MCCABE: Over --

JAMIE MATEUS: Could I finish talking?

CHAIR ANDREA JACKSON: Again, excuse me.

Excuse me.

JAMIE MATEUS: And I would happy to hand these to the Commission, but I think those summarize my concern.

One, it's not a good place to start when you don't engage the community, or at least a lot of us here feel like we haven't been engaged and we might be a lot more favorable to the idea.

I love the Druid, for example. I think it's a great place. I don't think they need to be open till 2:00 a.m., but that lack of communication probably doesn't help this.

No entertainment above conversational level and no license until 2:00 a.m., please. That's all I have.

CHAIR ANDREA JACKSON: Thank you.

STEVEN HALPERN: Good evening. My name is Steven, S-T-E-V-E-N, Halpern, H-A-L-P-E-R-N. I have lived at 73 Tremont Street since 1980. I submitted a letter outlining my major concerns.

There's only one thing I would like to emphasize, and that is, that this is a change of the neighborhood in the area east of Prospect Street. Inman Square west of Prospect Street has many bars, places that focus largely on the serving of alcohol, but also has many restaurants that also serve alcohol. There's no shortage of alcohol in the area.

The area west of -- I mean, east of Prospect Street has been served almost entirely the last 25 years or 20-some-odd years by restaurants, even though some of those restaurants have bars in them, they have all been focused on food.

When you look at the plan for this

restaurant, it's quite clear that the focus is meant to be on the bar and on the sale of alcohol.

There are very few seats that are table level meant for sitting and having family dining. And that is a change for this area. It brings in people who are looking to drink alcohol in an area where I think is much more appropriate to come for dining. That's it.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

ERIN HART: Good evening, everyone. My name is Erin, E-R-I-N, Hart, H-A-R-T. I'm at 87 Tremont. So I'm not technically an abutter, but I'm the closest nonabutter according to the Assessor's Office. I went there and checked.

So, I actually met with Kevin yesterday -- and actually, Olivia had also, and I believe one other resident, I believe your husband -- I'm

sorry, I didn't remember your names -- we met with him.

We were able to actually see the plans which most of the residents have not seen it. I'm not opposed to it by any means. I have two young children. Yes, there's a daycare in the neighborhood now. It's gone by 5:00. It's a very nice addition. The fixtures are nice. He has a track record of being a responsible owner.

I'm not sure if the Phoenix under him had violations, I didn't look at that. From what I spoke to and I feel there's a need for it. A gastro pub would fit well, having -- being able to go in and get dinner and have a decent drink and maybe actually watch a game that's not Cricket.

Other than that, basically, I have nothing else to add basically, so -- actually, the 1:00 a.m., sorry. I am opposed to a 2:00

a.m. right off the bat. That being said, maybe a six-month review after we all kind've get a feel of what goes on and how everything runs and maybe after six months we come back and review whether we want to give him a 2:00 a.m. I think that may be a fair way to take care of the 1:00 a.m./2:00 a.m. thing because there are a few that do have 2:00 a.m. I believe as everyone said, Druid, Bukowski's and the next one, I believe, is Atwoods, which is much further down on the other side.

So thank you very much, everyone.

CHAIR ANDREA JACKSON: Thank you.

IAN DOODY: Good evening. My name is Ian, I-A-N, D-O-O-D-Y.

And I'm a resident of Cambridge on 33 Lee Street. I frequent bars and restaurants in the Cambridge area, Inman Square specifically. And I think there's a gap in the market for it.

I work in the bar industry. You can't go out for food or drinks after work and actually eat normal food. I eat take-aways. And it would be nice to have someone near you to go and actually enjoy your evening after finishing a shift of work.

I heard a lot of residents complaining about the ideas of the nightclub. I don't know if they've actually seen the plans or seen the plans of the bar. It's a restaurant. It's -- the bar is only 16 seated. It remains 56 seated restaurant as opposed to that. It's not a stand-up bar, like Phoenix Landing. That's a full capacity nightclub. It's not going in the same route as that as far as I can see. By the plans, I think it would be a great addition to the neighborhood.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else that would like to

be heard in this matter?

Seeing none, come on back.

KEVIN TREANOR: It's getting hotter in here.

Madam Chair and Commissioners, I totally understand the neighborhood's concerns and I would ask them to go visit my last restaurant that I opened, it's called The Merchant. It's in Downtown Crossing. It's right beside the Filene's building.

I would like to get their email address and I'll leave them a list here, and I'll send them out the plans. I didn't realize there was so much opposition until I talked to Erin, and she sent out an email yesterday, and I tried to meet the neighbors and three people turned up, which was short notice, I know, but I didn't realize there was so many neighbors against this existing bar/restaurant that I'm talking over,

and it was a 1:00.

I believe my track record of 25 years in the business, I have experienced everything in the business. The new bar I've opened is more in line of what I'm trying to do here. And I would invite them to come down, and I would be happy to meet them and to see what we're planning to do in this new location is what we've done in The Merchant. Our sales down there is are 50 percent -- 50 percent alcohol, 50 percent food. So we are a restaurant serving alcohol. It's 281 capacity Downtown Crossing. It's the same designer. And there's 72 seats, someone said regarding seating, and I don't know why -- they set up, top or bottom, it doesn't really matter for kids, and we will definitely be looking for families to come in there to eat.

Other concerns I would be happy to, you know -- whatever the concerns are, I would love

to get the emails, and take them down to The Merchant and show them what we have done down there. This is the idea of what we're trying to do here. I think there's an opening in Inman Square for a place as nice as this and it's needed.

CHAIR ANDREA JACKSON: Okay.

ATTY TIFFANY STICHEL: And I think just with regard to the 1:00 a.m. versus 2:00 a.m. opening, I think we're amenable to the idea of initially going forward on the 1:00 a.m. with a six-month revisit on the 2:00 a.m. because I do believe -- I do understand the concerns of the abutters and the people in the community, so that would be something we would be willing to explore.

CHIEF GERALD REARDON: I mean, we can talk about the issue of that entertainment, if you want to.

KEVIN TREANOR: Yeah, I can live with entertainment at conversation level. That's fine, if that's a real issue. I don't see why it would be because we're doing all new construction, there won't be any sound emulating (sic) out onto the street.

CHAIR ANDREA JACKSON: I mean, I think it would be helpful -- I don't feel like I can necessarily speak for the neighbors and maybe I can get like a nod of the head or something -- but I would like to think that the neighbors would probably appreciate or welcome the opportunity to sit down with you and at least hear a little more about your proposal and look at the drawings prior to a Board vote.

KEVIN TREANOR: Yeah.

CHAIR ANDREA JACKSON: Thoughts?  
Questions? Concerns?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

CHIEF GERALD REARDON: So you're moving the bar area. Is the kitchen area getting moved or is that --

KEVIN TREANOR: No, the kitchen stays exact same. We can't move that at all.

CHIEF GERALD REARDON: You're doing a full renovation of the kitchen?

KEVIN TREANOR: Well, actually, most of the kitchen is okay except for the line -- let's see. This kitchen here, this would be a totally new line.

CHIEF GERALD REARDON: Okay.

KEVIN TREANOR: This is going to open up and this is where the servers would pick up the food. And then there is glass here where people are seated and they bring the food in through here.

FIRE CHIEF GERALD REARDON: Most of that

is already constructed?

KEVIN TREANOR: It's all staying as-is. This line actually is pretty perfect. It hasn't been used too much. It has the Ansul system, just needs to get the inspections.

CHAIR ANDREA JACKSON: Typically, I do prefer the applicant to talk to me. It may be helpful if you turn it out so the neighbors could see it as well.

KEVIN TREANOR: So the plan is -- this is Cambridge Street, and I believe this is Tremont Street. And the new entrance would go here (indicating) and we would put the bar on Tremont Street, and we're going to close up these windows with awnings. This is what the front of the actual restaurant would look like, which is a vast improvement of what we're having.

This would be the main entrance. We have to keep this entrance because that's handicap

accessibility. We would open these three windows, sash windows that open up, and, of course, they're closed at night.

And we're putting a new sign. This crown molding is already there, which we plan to paint over in black.

And I can email out these plans to everyone, if you give me your email before you leave. And the materials I'm going to use are all here as well. I can send you that.

And there is a main bar, 16 people. This is what a modern gastro pub is. We're not looking to -- I know some people are questioning my integrity a wee bit, which I don't think take offense, but I'd ask you to come down to The Merchant and see what I have done down there. This is what I want to do here. It's a nice place, and it's -- we're going to spend a lot of money renovating it. I don't know if you have

seen it. I would be very happy to send out an email to everyone that is concerned and anyone else in the neighborhood.

OLIVIA PETERS: Can I make one more comment? I actually meant to say --

CHAIR ANDREA JACKSON: If you could identify yourself?

OLIVIA PETERS: It's Oliva Peters at 90 Tremont Street. I did actually mean to say I really appreciated that he had made plans to move the entrance to this location because currently the way that the building is, the entrance is into the weird little side room and it's confusing, and people can't find the entrance to the Hit Wicket. So being willing to put in the kind of capital to actually make the physical improvement to the building was meaningful.

KEVIN TREANOR: Of course, that's a great part of it.

You should be a designer as well because the first thing my designer said was, "You have to move the entrance and make a bigger room" because when you went into Hit Wicket, they had a small bar on the left side which had five or six people, and then you walked around the corner and there was a big open room and no one in it, and it was badly designed.

The first thing we're doing is making the main room, which would be the bar area, and then there's -- where the actual bar would be, where that 22 seater, we can use for private parties hopefully.

So this was where the bar is. This is the entrance right now. And then you would walk around here and there's a lot of booths. I don't know if you're familiar, but it looked very ugly.

So the plan is to come in here and this

would be the main attraction.

And we're certainly into serving food until closing time. It's not what some people have suggested and I will be happy to send them out to everyone.

Please leave me your email if you can before you leave and I'll send it out to you tomorrow.

CHAIR ANDREA JACKSON: Again, if you can please state the your name for record?

JEANNE GARRISON: Jeanne Garrison, 71 Tremont Street. You seem to be suggesting that the approval might be deferred to another hearing so that the neighbors could have a chance to meet with Mr. Treanor under better circumstances and discuss the plans.

I think one of our problems is that we had such short notice in the neighborhood for this hearing. We didn't find out about it

generally until late last week, so maybe some of the sense of opposition and hostility that Mr. Treanor feels coming from us is more of a question of our taken quite by surprise. And knowing that he was associated with Phoenix Landing -- you know, sadly I'm a little too old for such a place.

CHAIR ANDREA JACKSON: Never too old.

JEANNE GARRISON: And the contrast between what goes on at Phoenix Landing, and a bunch of not-very-many people sitting around watching cricket or doing wine-and-painting parties, which was another thing they tried in that location, I just am afraid about noise. I think we would be happy to have some reassurance and then come back.

CHAIR ANDREA JACKSON: Okay. Thank you.

KEVIN TREANOR: I would like to say regarding the Phoenix Landing, we have been there

20 years and we have very, very little trouble there at all.

We have been a beacon of the community, I think, so I really want to start out with the Phoenix Landing and what it stands for, and a lot of charities we have helped out over the years, and this is not the Phoenix Landing that I'm trying to build. It would be more towards The Merchant.

CHAIR ANDREA JACKSON: Okay. Thank you.

Your name again for the record?

ASHLEY SEROTTA: Ashley Serotta, 84 Tremont Street.

Could the applicant clarify if The Merchant has an entertainment license and does live music or live DJ music?

I think the difference is the Phoenix Landing, which I used to be a patron of in my younger days, but it doesn't have the residential

right next to it. It's almost right next to the T stop.

KEVIN TREANOR: I understand.

ASHLEY SEROTTA: To get from Inman Square to the T, you have to walk through our street. It's a completely different setup in terms of the entertainment license specifically.

Same thing with Downtown Crossing, those are great locations for entertainment license. Our street corner is not a good location for an entertainment license.

I can candidly say that I will continue increase my support of the gastro pub, but I don't think a meeting is going to change my support of an entertainment license above conversation level.

KEVIN TREANOR: Okay. As I say, I'm actually a builder in that community, so I know that community.

ASHLEY SEROTTA: It's the wrong location for an entertainment license.

KEVIN TREANOR: Okay.

CHAIR ANDREA JACKSON: You can direct towards me.

Any questions?

CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: I would like to make a motion that we continue this until the Decision Hearing, which is later on in the month, to give you an opportunity to meet with the neighbors, address their concerns that they have, and perhaps you may decide, you may not decide that you want to change as it relates to entertainment or closing time.

But I would like to at least have an

opportunity for you to have a meeting with the neighbors.

KEVIN TREANOR: I have no problem with that.

CHAIR ANDREA JACKSON: Is there a second on the motion?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

Thank you, everyone, for coming in.

KEVIN TREANOR: Thank you.

**APPLICATION: KH FOODS, LLC D/B/A KIMCHI KITCHEN**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: KH Foods, LLC doing business as Kimchi Kitchen, Hyung Hee Park, manager, has applied for a common victualer license at 847

Cambridge Street. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 19 and operating hours from 11:00 a.m. until 10:00 p.m. seven days per week.

ATTY ADAM DASH: Good evening.

CHAIR ANDREA JACKSON: Good evening.

ATTY ADAM DASH: Attorney Adam Dash representing the application, KH Foods, LLC.

THE REPORTER: Adam, you've got to spell your name.

ATTY ADAM DASH: I'm sorry. A-D-A-M, D-A-S-H. With me are Kyung Hee Park, K-Y-U-N-G, H-E-E, P-A-R-K and Yeunbe Park, Y-E-U-N-B-E, P-A-R-K, who are the principals of KH Foods looking to go into 847 Cambridge Street across from the King Open School which is currently Cambridge Coffee & Pizza.

Prior to that, it was a donut shop and

sub shop and another pizza shop. It has been various types of restaurants there over time seeking a victualer's license. There's also an entertainment license for below conversation level just for the background music while people are eating.

The theme is a Korean restaurant to increase the diversity of the choices in the area. And we're not increasing the size or the seats or making any major exterior or anything. It's all small interior changes.

The hours are actually going to start later in the morning at 11:00 instead of the current 7:00 in the morning. And that will be less of an interference with anything going on at the King Open School across the street. Lunch and dinner, not breakfast. It's fairly straightforward.

CHAIR ANDREA JACKSON: Can your clients

tell us about their experience?

KYUNG HEE PARK: I have a lot of commercial food.

My name is it Kyung Hee Park, K-Y-U-N-G, H-E-E, last name is P-A-R-K. I have lot of commercial food experience through my work.

The first, I have to open the new restaurant in Davis Square in Cambridge -- Davis Square is called Meju.

CHIEF GERALD REARDON: What was the name again, please?

KYUNG HEE PARK: Meju.

ATTY ADAM DASH: M-E-J-U.

CHIEF GERALD REARDON: Is that the one in Davis Square, Somerville?

KYUNG HEE PARK: Yeah. I was in charge of the preparing the most popular menu in the kitchen.

Also, I worked at -- essentially I worked

H-Mart, five years, including one years in Central Square location. Managed all the locations for the grocery store and the food court also.

POLICE COMMISSIONER ROBERT HAAS: Food court where?

KYUNG HEE PARK: Food court in the H-Mart.

POLICE COMMISSIONER ROBERT HAAS: Oh, in H-Mart, okay.

KYUNG HEE PARK: Yeah.

YEUNBEE PARK: Sure. My background is more --

CHAIR ANDREA JACKSON: Please state your name.

YEUNBEE PARK: My name is Yeunbee Park, Y-E-U-M-B-E-E, last name is Park, P-A-R-K.

My background is serving larger organizations, doing strategy work, including

four large food distributors, so I have food experience, but it's a little bit at a different scale, but I will be helping manage more the business and paperwork and marketing aspect of the business.

CHAIR ANDREA JACKSON: Do we have the abutter notifications?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. He just gave them to me.

CHAIR ANDREA JACKSON: I know that you mentioned entertainment, but I don't believe entertainment was advertised.

I don't see a note on the agenda as it relates to an entertainment application.

Do we have an entertainment application?

ATTY ADAM DASH: It was in the package we submitted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Below conversation level, CD.

ATTY ADAM DASH: Below conversation level, yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: That would not have needed to be advertised.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

CHIEF GERALD REARDON: So are you doing much in the way of modifications to the premises at all?

ATTY ADAM DASH: No. There's interior kitchen equipment that has be to be changed out because it's not going to be pizzas, it's going to be Korean food, and some minor interior cosmetics. But it has been set up as a restaurant for some time.

CHIEF GERALD REARDON: That work has yet

to be done?

ATTY ADAM DASH: Correct. We have a lease in agreement, but obviously we haven't actually --

CHIEF GERALD REARDON: Predicated on you getting a license?

EXECUTIVE DIRECTOR ELIZABETH LINT: We have a copy of the unsigned lease and a letter of intent.

CHIEF GERALD REARDON: Okay. Thank you.

CHAIR ANDREA JACKSON: You will start the modifications after the fact?

ATTY ADAM DASH: Yes.

CHAIR ANDREA JACKSON: Seating capacity, again of 19, and operating hours of 11:00 a.m. to 10:00 p.m. seven days a week?

ATTY ADAM DASH: Correct.

CHAIR ANDREA JACKSON: Do you have any further questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any questions?

CHIEF GERALD REARDON: No other questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we approve the CV license for KH Foods, LLC doing business as Kimchi Kitchen at 847 Cambridge Street with the seating capacity as hours as stated.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

You're all set.

Good luck to you.

ATTY ADAM DASH: Thank you very much.

**APPLICATION: ZETA MU CHAPTER OF KAPPA  
ALPHA THETA AT MIT**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Zeta Mu Chapter of Kappa Alpha  
Theta at MIT, a nonprofit corporation has applied  
for an exemption to Attorney General's Regulation  
940 CMR 13.00, which prohibits gaming. Applicant  
is seeking exemption from the Cambridge Rules of  
Regulations with regard to the  
entertainment/gaming policy prohibiting casino  
nights, passed March 23, 2006.

CHAIR ANDREA JACKSON: Good evening.

BRIANA CHEN: Good evening.

CHAIR ANDREA JACKSON: If you could both  
state your name for the record, spelling your

first name and last name, please?

BRIANA CHEN: Briana, Chen, B-R-I-A-N-A,  
C-H-E-N.

AMIEE FORSYTHE: Aimee Forsythe,  
A-I-M-E-E, F-O-R-S-Y-T-H-E.

BRIANA CHEN: The purpose of this casino  
night is to raise funds for our group's national  
philanthropy, which is CASA, which stands for  
court-appointed special advocates.

In the past, this event used to be a  
fashion show, but because of consideration for  
our target audience and funds we have raised in  
the past few years, we decided to change the  
nature of this event.

CHAIR ANDREA JACKSON: This will be held  
on campus?

BRIANA CHEN: Yes. On Walker Memorial,  
which is on MIT campus, on November 6, 2015.

CHIEF GERALD REARDON: You also have

permission from MIT should this get approved?

BRIANA CHEN: Yes, pending approval, pending this gaming exemption, the event has already been registered.

CHAIR ANDREA JACKSON: Do we have anything from MIT?

EXECUTIVE DIRECTOR ELIZABETH LINT: We don't have anything from MIT yet.

CHAIR ANDREA JACKSON: Can you give us a little bit more detail in terms of who would be operating.

I'm assuming you're having tables, et cetera, who would be operating that?

BRIANA CHEN: These operators would be MIT students, who would be trained by the rental company that we would hire, and then a sister would also accompany this operator, and she would not be playing at all. She would just be watching and making sure that everything is going

how it's supposed to go.

CHIEF GERALD REARDON: So a pseudo pit boss?

BRIANA CHEN: Yes.

CHIEF GERALD REARDON: Is there money being transacted here on this?

BRIANA CHEN: The only money that would be transferred would be buying the tickets. And so these tickets would be at the event. It would be exchanged for a certain amount of chips, and then these chips could be either used to play the games, or they would be entered into jars for a raffle event. And then the prizes from these raffle events would be gifts donated by local businesses.

CHIEF GERALD REARDON: How do they keep track of the chips? Are they all serialized or...?

BRIANA CHEN: These chips would be owned

by the rental company, and I assume the rental company would have a way of making sure that all the chips are returned to them.

CHIEF GERALD REARDON: When you say they could get put in jars, there must some sort've mark or identification on them?

BRIANA CHEN: Yes.

CHIEF GERALD REARDON: So they know who it belongs to?

BRIANA CHEN: Yes.

CHIEF GERALD REARDON: So they scan them in and out, so to speak, or do you know?

BRIANA CHEN: I'm not aware.

CHIEF GERALD REARDON: That is all part of the responsibility of the company you're hiring?

BRIANA CHEN: Yes.

CHAIR ANDREA JACKSON: Do you have that in some form of an agreement, something in

writing that we could see?

BRIANA CHEN: No, we don't. But we do have two companies that we're currently negotiating with, Casino Event Services or Boston Casino Events, and we would make sure to communicate those concerns to them.

CHAIR ANDREA JACKSON: What was the other one, I'm sorry? Casino Event Services, what was the other one?

BRIANA CHEN: Boston Casino Events.

CHAIR ANDREA JACKSON: What is your anticipated crowd expectations?

BRIANA CHEN: About 300. We mostly, in the past -- so everyone -- anyone who purchased a ticket is allowed to enter. However, in the past we mostly had MIT students, and we don't see any reason to believe that this would change this year.

CHAIR ANDREA JACKSON: But it is open to

anyone other than just MIT students?

BRIANA CHEN: Yes. And so the sisters who operate the ticket table and let people in, they would monitor guests, and they would not allow anyone who is suspicious in as per MIT policy and city policy. We would also have a police detail on-hand should any problems arise.

CHIEF GERALD REARDON: Are they regulating the age of the people coming in?

BRIANA CHEN: I assume so.

CHIEF GERALD REARDON: We need a little more than assume. You have to meet the age statute which I think is for gaming it's 21, right?

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

BRIANA CHEN: Yes, we would have MIT police on-hand to make sure that people who are of age would enter.

CHIEF GERALD REARDON: I'm assuming

there's no alcohol being served at this function?

BRIANA CHEN: Absolutely no alcohol and anyone who is visibly intoxicated will not be allowed to enter.

The only refreshment we will serve will be soft drinks, water and food.

POLICE COMMISSIONER ROBERT HAAS: You have confirmed with MIT about this already? You got a verbal approval?

BRIANA CHEN: We got verbal approval from the Student Activities Office.

So we have like an on-line registration system, and that was already registered on-line, and we're waiting for this gaming exemption to go ahead for the full approval from MIT.

CHAIR ANDREA JACKSON: So there's no way that you could provide something from MIT that says if this Board approves it, then it will be

all set or...?

BRIANA CHEN: We could email and provide that for you later, but it would take time.

FIR CHIEF GERALD REARDON: I would think along with MIT maybe Chief DeFava should weigh in on this and to make sure he's okay as well.

POLICE COMMISSIONER ROBERT HAAS: I mean, it -- I can ask him. I'm seeing him next week to make sure there are no reservations.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any other questions?

CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I would like to make a motion that we continue this matter until the Decision Hearing to give opportunity, number one, to both look at both of the companies being proposed, but also to check with MIT police.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: It will be continued until our Decision Hearing which is the end of the month.

BRIANA CHEN: Okay, thank you.

CHAIR ANDREA JACKSON: Thank you.

**APPLICATION: LORD HOBO BREWPUB, LLC**  
**D/B/A LORD HOBO BREWPUB**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Lord Hobo Brewpub, LLC, doing business as Lord Hobo Brewpub, Daniel Lanigan, manager, has applied for a new wine and malt beverages restaurant license at 2 Canal Park with a seating capacity of 160 and operating hours from 11:00 a.m. to 1:00 a.m. Monday through Friday and 10:00 a.m. to 1:00 a.m. on Saturday and Sunday.

NICHOLAS GARDNER: Hello.

CHAIR ANDREA JACKSON: Good evening.

State your name for the record, spelling your first name and last name, please?

NICHOLAS GARDNER: Nicholas,  
N-I-C-H-O-L-A-S, Gardner, G-A-R-D-N-E-R.

CHAIR ANDREA JACKSON: Your relationship to the applicant?

NICHOLAS GARDNER: I'm general manager and chef at the current beer bar, Lord Hobo in Cambridge. I work for Daniel Lanigan.

CHAIR ANDREA JACKSON: If you can tell us, what is being proposed, please?

NICHOLAS GARDNER: Yeah. So essentially it's a brewpub, so it would be a beer brewed on site, served on site with also the ability to sell retail. And then very simple, similar to like the Cambridge Brewing Company model, fairly large capacity. Like you said, 160 interior seating. We also have to have access to a patio that would be 100 more seats.

CHAIR ANDREA JACKSON: Does construction start on this? Is this a new location?

NICHOLAS GARDNER: Construction has not started.

The space that we're negotiating right now is less than what we described, a vanilla vinyl box, so we're sort of having discussions about exact design and layout to make sure we can meet all the codes and requirements.

EXECUTIVE DIRECTOR ELIZABETH LINT: So this had been continued originally because there were no abutter notifications.

NICHOLAS GARDNER: I believe I have those.

EXECUTIVE DIRECTOR ELIZABETH LINT: We're also owed \$20 for background checks.

NICHOLAS GARDNER: Okay. Is that what you need?

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh. I don't have -- never mind, I take that back.

CHIEF GERALD REARDON: How much -- what side of the first floor? You're not taking the entire floor, correct?

NICHOLAS GARDNER: It's a corner unit. It's on First Street. It's the building on the corner of First and ends right across from the Green Line entrance there. As you come down

First, it's the corner unit just at the end of that first building.

CHIEF GERALD REARDON: So you're on the corner of First and Thorndike Way.

NICHOLAS GARDNER: Yes, exactly.

CHIEF GERALD REARDON: So you're really opposite Sears on that corner?

NICHOLAS GARDNER: Well, there's another large building between us. There's one large building.

CHIEF GERALD REARDON: I'm sorry. Okay.

NICHOLAS GARDNER: We're not really opposite anything, but that entire business park in the midst of being leased out. I believe all the other units are leased. They're just starting to fill them up.

CHAIR ANDREA JACKSON: Do you have a menu?

CHIEF GERALD REARDON: Are you going to

install brew pots?

NICHOLAS GARDNER: Yes. Large brewery system. Again, very similar to about the size that Cambridge Brewing Company has.

We currently have -- we have just opened a large brewing facility out in Woburn, and we have a full brewing team, a brew master will be heading up the production of that facility -- of this new facility as well.

We also have a brew house engineer who has been on site and looked at what we would need for square footage for the actual a brew house as well as ventilation.

CHIEF GERALD REARDON: Obviously --

EXECUTIVE DIRECTOR ELIZABETH LINT: We do not.

CHIEF GERALD REARDON: The landlord at 2 Canal is fully aware of the build-out and what your intentions are?

NICHOLAS GARDNER: Yes. Absolutely.

CHIEF GERALD REARDON: I assume there's no kitchen facility there right now, right?

NICHOLAS GARDNER: It's literally a giant cube.

CHIEF GERALD REARDON: This will be a complete build-out?

BEGIN NICHOLAS GARDNER: Yes.

CHIEF GERALD REARDON: Any intentions to put in a full kitchen?

NICHOLAS GARDNER: There will be a full-service kitchen there. Full operating hours, 10:00 a.m. to 1:00 a.m., lunch and dinner service, seven days a week.

CHAIR ANDREA JACKSON: Again, you said full kitchen?

NICHOLAS GARDNER: Full kitchen.

CHAIR ANDREA JACKSON: Do you not have them?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nope.

NICHOLAS GARDNER: I can provide a menu, if you need one.

CHAIR ANDREA JACKSON: Can you tell us about the food that will be served?

NICHOLAS GARDNER: Yeah. We're hoping to replicate similarly to what we execute already at the current Lord Hobo craft beer bar.

We offer approachable comfort food, but with an emphasis on quality of the execution of the product, all scratch, made in-house, nothing frozen or prefabricated, but the main emphasis of the new location as opposed to the craft beer bar would be accessibility, keeping our price points lower, making it a more attainable and approachable establishment.

The craft beer bar we run now because of the product and the clientele that looks to get those beers can be a bit pricier because they're

high demand, higher-end product.

We're looking to still produce quality food, offer good beers, but we want them to be in a price range where that particular area, which is going to have a wide variety of clientele, people who are shopping in the area, new residents in the large condos going up just across the way at North Point, as well as the young professionals, the 20 and 30-something and all the spaces that are rented above, we want it to be something that they can casually approach.

CHAIR ANDREA JACKSON: Who is the proposed manager?

NICHOLAS GARDNER: As of now, it would be me.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Daniel Lanigan applied for the manager.

NICHOLAS GARDNER: He's the owner.

CHAIR ANDREA JACKSON: But he applied.

EXECUTIVE DIRECTOR ELIZABETH LINT: He applied. Yes, we have his information.

CHAIR ANDREA JACKSON: We don't have a CORI check.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, we do. Backgrounds are fine.

We have numerous -- we have letters of support. We have a letter from the Planning Board who attached their determination for the microbrewery, they support the use as active and appropriate in the location.

And we have a letter from the landlord who fully supports the operation.

We have a letter from Councilor Chung who supports the restaurant and microbrewery, says that "Lord Hobo is a longstanding, well respected member of the Cambridge community, and the proposed use of the space at 2 Canal Park is in

line with the goal of the vibrant street scape in the East Cambridge area."

Councilor Toomey also supports the application and says "It's great to see successful businesses grow and remain in Cambridge. And he understands that representatives have taken the time to connect with abutters and neighbors. He's unaware of any opposition at this time.

And the East Cambridge Business Association also wrote in support of the application stating that, "Lord Hobo has operated in Cambridge for a number of years, established a good reputation in the community.

The current state of First Street as a retail corridor does not reflect its potential. Many improvements for the area in the pipeline, and having an operator and concept as presented here, would be beneficial to the corridor and

streetscape in general."

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

CHIEF GERALD REARDON: No further questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Please come forward.

DAVID DOWNING: Hi. David Downing, D-O-W-N-I-N-G. I am speaking on behalf of the landlord tonight. I am the retail broker for the project.

This has been a long grind to find really great operators for First Street. Beacon Capital brought the building over a year ago. They've leased 3,000 square feet of office upstairs with

new tech workers.

You're seeing kind've a real change in East Cambridge with North Point and Lechmere extension for the Green Line and we need operators, good local operators, that can stand out from the mall. The mall ends up being kind've a big vacuum.

So we're really excited that we found Lord Hobo and an interesting new concept that cannot just draw in from the local community, but, I think, can also draw from outside of the community to bring people in.

We met with a lot of the abutters from Graves Landing to One First Street to East Cambridge Business Association, and everyone is very excited about the project, they see it as a real active activator. Not only is it going to make First Street safer, there's lights on, there's people, there's activity.

And I guess I'll end with Councilor Carlone was here earlier. He wanted to speak on behalf. And he said, you know, you can take this as you want to, but he's overzealous to see this happening.

He has been part of that planning process for decades. It was only a matter of time until this kinda happens.

So he said you're welcome to reach out to him if you have any questions about his feedback on that, but he's very supportive and positive on that.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else that would like to be heard in this matter?

Seeing none. Do you have a copy of --

I'll go ahead and make a motion.

We have a motion to approve the application for Lord Hobo Brewpub, LLC, doing

business as Lord Hobo Brewpub at 2 Canal Park  
with a seating capacity of 160, operating hours  
as stated.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor  
signify by saying aye.

CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You're all set.

Thank you.

NICHOLAS GARDNER: Thank you very much.

**APPLICATION: ELM STREET, LLC, D/B/A LONE  
STAR TACO BAR**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Elm Street, LLC, doing business as  
Lone Star Taco Bar, Christopher Robichaud,  
manager, holder of an all alcoholic beverages  
restaurant license at 635 Cambridge Street has

applied for an alteration of premise to include a seasonal outdoor patio on the public sidewalk.

ATTY LESLEY DELANEY HAWKINS: Good evening, Madam Chair, Lesley Delaney Hawkins, L-E-S-L-E-Y, D-E-L-A-N-E-Y, H-A-W-K-I-N-S. I'm an attorney with McDermott, Quilty and Miller representing the applicant.

With me are the owners/operators, Aaron Sanders, and Max Toste, as well as our architect, Elvin Phillips.

As administrative item, I have the affidavit of notice of abutters as well as the supporting documentation.

Madam Chair, we are before you and the Commission this evening to request your approval of an alteration of the licensed premises.

If it pleases the Commission, I would like to give a brief overview before we display some renderings and ask our architect to

walk-through the specifics of the dimensions.

CHAIR ANDREA JACKSON: Okay.

ATTY LESLEY DELANEY HAWKINS: As you're aware, the establishment has been open for approximately five weeks.

Over the course of the five weeks, the applicants have gotten repeatedly requests for the status of the outdoor patio.

As the Commission is aware, prior to this operator, there was an outdoor patio at the establishment. As such, we would like to build on the footprint on the public sidewalk a permanent outdoor patio with seating for 29, would be the seated occupancy.

Between the time we filed the application and this hearing this evening, we have met with the Department of Public Works, and we have subsequently made slight modifications at their request to the dimensions of the proposed patio.

These do not in any way reflect the occupancy. However, they were specifically to address the ability of pedestrians to travel through the proposed patio as well as the ability to seat those individuals seated within the patio.

We're seeking to a closing of hour of 1:00 a.m. which is also in line with the existing premises.

In support of this application, I would like to submit for the record a letter of support, a copy of an email from the landlord as well as signed petitions of over -- petitions signed about over 500 area residents and customers.

It's worth noting that the 500 signatures were collected in a period of just ten days.

CHAIR ANDREA JACKSON: You said that you have received some signoff from Department of

Public Works?

ATTY LESLEY DELANEY HAWKINS: Yes. We're working with the Department of Public Works. We addressed the concerns they presented during our site visit, and we have since sent them the revised plans and are waiting on a response, but they specifically addressed the concerns.

CHAIR ANDREA JACKSON: What were the concerns raised?

ATTY LESLEY DELANEY HAWKINS: Well, I mean, I will actually let the architect speak to the dimensional concerns they raised, but the second was to adjust the buffering panels so that it would be -- individuals sitting within the patio would not be shielded from the public view, which we have done.

And, Elvin, if you can address the question regarding the dimensions?

CHAIR ANDREA JACKSON: If you can please

state your name for the record, spelling your first name and last name.

ELVIN PHILLIPS: My name is Elvin Phillips, E-L-V-I-N, P-H-I-L-L-I-P-S. I'm a senior associate with RJ Farah Engineering.

CHAIR ANDREA JACKSON: Okay.

ELVIN PHILLIPS: The patio is separated from the building by a buffer of -- we had it at five foot. DPW wanted it five foot six. That was the major change. We pulled it back to five foot six. There's a path between them because right here is the handicap curb cut. That's free and open. And we maintained its width, which is four foot three, between the planters and about it's five foot eleven to the seat bench.

DPW was also concerned with the height of the seat backs. Wanted to make sure nobody could -- we had them a little higher and one of them lower to make sure that nobody could hide behind

it. And we opened up the slats.

It's a very simple plan. It's bench seating so that we can get more people down here and also the handicap can come in on the ends.

Right now, we have 20 people that would fit in here at individual tables, and nine people that would fit in the smaller space at one big family-style table.

There's planters around the edge. The planters are modest, just enough to soften it and cover up the base, so there's some little greenery.

And this rendering will give you a better feel for what it will actually look like.

CHIEF GERALD REARDON: The material is?

ELVIN PHILLIPS: Wood and metal. Metal for the supports.

CHIEF GERALD REARDON: Was that designed

to be up against the building?

ELVIN PHILLIPS: No. This was laid out on the footprint of the original layout, which was separated from the building. And, in fact, there was still posts in here and this is what it was based on. We stayed within that same area.

It's basically the same facility, but a permanent one and obviously a little different design.

CHAIR ANDREA JACKSON: Okay.

Thank you.

Because it's not contiguous to the building, will you have someone out there in terms of who is going to oversee the patio area?

ATTY LESLEY DELANEY HAWKINS: Yes. There will be a designated staff member to manage the space.

FIR CHIEF GERALD REARDON: Is the idea to

take it down every season? Is that the intention?

ATTY LESLEY DELANEY HAWKINS: Currently we want to build something that's of quality, something that obviously we want to help beautify that space.

But ideally we would like to keep it as a permanent fixture because weather permitting we could use it in what would typically be considered the off months.

CHIEF GERALD REARDON: In terms of utilities, any utilities going in here for this or power?

GERALD WALBA: There's a lamppost right at the corner we would use for lighting.

CHIEF GERALD REARDON: Other than that, you didn't plan on any electricity or any kind of utility?

GERALD WALBA: No, sir. The lights on

the front of the building, too, are pretty bright.

CHAIR ANDREA JACKSON: In terms of saying a dedicated staff person, that is gonna be someone that stays outside with the patio, is that correct?

GERALD WALBA: There's a waitperson and management that works that's on the site during service.

CHIEF GERALD REARDON: Was the plan to provide alcohol service outside as well?

ATTY LESLEY DELANEY HAWKINS: Yes.

GERALD WALBA: Yes.

CHAIR ANDREA JACKSON: Again, what were the hours?

ATTY LESLEY DELANEY HAWKINS: Closing hour of 1:00 a.m.

CHAIR ANDREA JACKSON: Any of those residential units above?

GERALD WALBA: Yes, ma'am.

CHAIR ANDREA JACKSON: Although you probably lucked out in that, I don't see a whole room full of people here, do you exhibit or anticipate any push back from the neighbors?

GERALD WALBA: Not at all.

Everyone has been very pleased with us at that location and our neighbors have been very friendly.

FIR CHIEF GERALD REARDON: Just to be to be clear, the outside patio you would like to keep open until 1:00 a.m. as well?

GERALD WALBA: Yes, sir.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any other questions?

CHIEF GERALD REARDON: No other questions.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion --

EXECUTIVE DIRECTOR ELIZABETH LINT: Some letters.

East Cambridge Business Association writes in support of a patio, says "Lone Star has quickly become a destination in East Cambridge. While outside street-side patios are popular in other areas of Cambridge, they're difficult along Cambridge Street in East Cambridge, thanks to some creative design, there was a previous, very popular seating area at the location. We hope to see it once again utilized and improve the streetscape along Cambridge Street."

Councilor Toomey writes to lend his

support for the application "Outdoor seating is a very popular feature in Cambridge, and one that is difficult achieve along Cambridge Street because of space issues.

This is a great location that can take advantage of the extra space created by a bump-out along Cambridge Street. A patio previously located at this location was very popular and a positive addition to the neighborhood."

Bob Salinas, who is trustee for the condo complex and owner of the property, thinks it would make a tremendous addition to the neighborhood.

CHAIR ANDREA JACKSON: I make a motion that we approve the alteration of premise to include a seasonal outdoor patio for Elm Street, LLC, doing business as Lone Star Taco Bar.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Subject to receiving approval from DPW and City Council.

CHAIR ANDREA JACKSON: Is there a second on that motion with approval -- contingent upon approval of DPW and City Council?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you.

**APPLICATION: WAHOO, INC, D/B/A GENKI YA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Wahoo, Incorporated, doing business as Genki Ya, Que Tai Duong, manager, holder of a

wine and malt restaurant license at 231 Alewife Brook Parkway has applied for a change of manager to David Thanh Nang Hoang, new stockholder, transfer of stock and a new officer/director.

ATTY MEIHUEI HU: My name is Meihuei Hu, I'm an attorney from Brookline. I represent the applicant.

THE REPORTER: Counsel, you have to state your first name and last name and spell it, please.

ATTY MEIHUEI HU: Meihuei Hu, M-E-I-H-U-E-I, last name H-U.

We're seeking approval for our application for change of manager and change of shareholders and officers. The change of officers and shareholder is just a result of our restructuring.

We have one outgoing shareholder. He's selling his shares. And some of the shares --

the remaining shareholders are also selling some of their shares to two new stockholders -- stockowners, and Mr. David Hoang, next to me, is our proposed new manager and he also is -- will be holding 20 percent of the corporation after this application is gone through.

There's no change of operating hours, no change of menu.

In fact, it's just a remaining core operators continue to run the business.

Mr. David Hoang has been involved with the restaurant business since the inception when it first opened in 2010 at its existing location.

CHIEF GERALD REARDON: This is the location across from the Cambridge Water Department next to Cambridge --

DAVID HOANG: The restaurant location in the mall, the Fresh Pond Mall.

CHAIR ANDREA JACKSON: By the Trader

Joe's.

DAVID HOANG: Dunkin' Donuts, yeah.

CHAIR ANDREA JACKSON: This is a no-value license.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a no-value license. Under our rules it should be a transfer -- it should be a new license. It can't be --

CHAIR ANDREA JACKSON: It can't be transferred.

EXECUTIVE DIRECTOR ELIZABETH LINT: It can't be transferred.

CHAIR ANDREA JACKSON: So, counsel, why did you file it this way versus filing it as a new application?

ATTY MEIHUEI HU: As I first submit our first application, I was informed that this license is not transferrable, so we -- then we withdraw our first application and presented this

way to reflect an actual transaction, which is a restructure of the corporation to reflect the new shareholder coming in and the change of number of shares of each stock ownership.

CHAIR ANDREA JACKSON: Again, this way versus filing it as a new application?

ATTY MEIHUEI HU: As -- my understanding is that there's -- since this license is not transferrable, and I don't think this could have been accepted if I present it as a transfer of a brand-new license to a new entity, so to speak. That was made up by a larger change of stock ownership.

EXECUTIVE DIRECTOR ELIZABETH LINT: It wouldn't be a transfer, it would be an application for a new license.

CHAIR ANDREA JACKSON: So do you understand what we're saying?

It would be a --

ATTY MEIHUEI HU: I don't understand.

CHAIR ANDREA JACKSON: It would be an application for a new license, not a transfer because it's a nontransferable license.

CHIEF GERALD REARDON: This is not written up as a transfer per se?

EXECUTIVE DIRECTOR ELIZABETH LINT: No, no. But it's transferring stocks, stock in the corporation and bringing in new shareholders. So the entity is changing, and under our rules, that can't happen.

ATTY MEIHUEI HU: So I -- maybe I can explain the better way is that rather than changing over 50 percent of the stock ownership, now we have restructured it so that only 35 percent -- 40 percent of the stocks has been transferred under the same corporation name and under the same large shareholders name and changed, and only the 40 percent of the shares

are transferred to the new shareholders.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: I guess my question is: Can they do it through this configuration? I thought they couldn't, but...

CHAIR ANDREA JACKSON: I think my opinion is, I probably want to continue this, Ms. Lint, to give you the opportunity to sit down with them and talk to them.

EXECUTIVE DIRECTOR ELIZABETH LINT: Sure.

CHAIR ANDREA JACKSON: And get a better idea what you're looking to do.

Do you have any questions?

CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this?

Seeing none, I make a motion that we

continue this matter and then give Ms. Lint the opportunity to meet with counsel to sit down and really understand what it is that you're trying to accomplish.

Is there a second on the motion?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

**APPLICATION: UC MASSACHUSETTS AVE, LLC**  
**D/B/A UPPER CRUST PIZZERIA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: UC Massachusetts Ave, LLC, doing business as Upper Crust Pizzeria, Steve Leese, manager, has applied for a common victualer license at 1782 Massachusetts Avenue. Said, license, if granted, would allow food and nonalcoholic beverages to be sold, served and

consumed on said premises with a seating capacity of 18, and operating hours from 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. Friday and Saturday.

CHAIR ANDREA JACKSON: Good evening. If you could please state your name for the record spelling your first and last name?

SHAWN SHENEFIELD: Shawn Shenefield,  
S-H-A-W-N, last name Shenefield,  
S-H-E-N-E-F-I-E-L-D.

SUDIP DEB: Sudip, S-U-D-I-P, Deb, D-E-B.

BOB HENNESSEE: Bob, B-O-B, Hennessee,  
H-E-N-N-E-S-S-E-E.

SHAWN SHENEFIELD: So we're purchasing or we have purchased the existing Stone Hearth currently located at 1782 Massachusetts Avenue.

And we would like to -- we have applied for a common vic to open at that location.

We're not changing anything structurally or anything in the kitchen or anything. We may do a few cosmetic changes, paint color, that kind of thing, but there's nothing going to be changed as far as the operations go.

So, yeah, it's pretty straightforward application. Similar to what is there now, but we won't have beer and wine. I think they do, but they have to surrender their license.

EXECUTIVE DIRECTOR ELIZABETH LINT: We also don't have a zoning signoff or a floor plan.

SHAWN SHENEFIELD: I emailed a floor plan into Chris.

CHAIR ANDREA JACKSON: When did you send it?

SHAWN SHENEFIELD: Awhile ago. The day after I submitted the application.

CHAIR ANDREA JACKSON: Can you resend

that?

SHAWN SHENEFIELD: Sure.

CHAIR ANDREA JACKSON: If you can resend it.

EXECUTIVE DIRECTOR ELIZABETH LINT: Send it to me.

SHAWN SHENEFIELD: I'll get your -- my phone died unfortunately. I can probably locate it tonight. I can resend it in the morning, though.

The floor plan on file is exactly pretty much the same, but Chris suggested I should submit one anyways.

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely.

SHAWN SHENEFIELD: Yes.

CHAIR ANDREA JACKSON: Tell us about your background?

SHAWN SHENEFIELD: Sure. I have been in

the restaurant industry since 1996. My parents were in it for some time. They're retired now but they own pizzerias and I owned some restaurants with them, and I have been working with the new Upper Crust since 2013.

So I have been very -- I have a lot of experience as far as you know, pizzerias and restaurants go in general.

CHIEF GERALD REARDON: You worked at some of the other Upper Crest locations?

SHAWN SHENEFIELD: We currently own six right now in the city, yeah. Not in Cambridge, but three in Boston and then Lexington, Wellesley and Watertown.

CHAIR ANDREA JACKSON: That's the three of you own them together or...?

SHAWN SHENEFIELD: We actually work for the company. Steve is -- Ben is a CFO and Bob will be the manager at the store.

CHAIR ANDREA JACKSON: Seating capacity, 18, hours of operation, 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 to 11:00 Friday and Saturday?

SHAWN SHENEFIELD: Correct.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

CHIEF GERALD REARDON: This is, I assume, you're moving in and just doing cosmetic changes?

SHAWN SHENEFIELD: Yeah. No venting it, no changes or anything like that.

CHIEF GERALD REARDON: That's it.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none, I make a motion that we

approve the application for a CV license for UC Mass Ave, LLC, doing business as Upper Crest Pizzeria with a seating capacity and hours as stated contingent upon receipt of zoning approval and the floor plan.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You're all set.

SHAWN SHENEFIELD: Take care.

**RATIFICATION: MOHAN AND SON, INC, D/B/A  
INDIA FOOD AND SPICE/NEW DELHI**

EXECUTIVE DIRECTOR ELIZABETH LINT: Two ratifications that Mr. Goldberg filed. Mohan and Son, Inc., doing business as India Food and Spice/New Delhi, holder of a common victualer

license at 80 River Street for a change of d/b/a to India Food and Frozen Yogi.

CHAIR ANDREA JACKSON: You're looking for a motion to accept?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: So moved.

Is there a second.

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

**RATIFICATION: ROYAL PUNJAB ENTERPRISES, INC  
D/B/A ULTIMATE PIZZA AND GRILL**

EXECUTIVE DIRECTOR ELIZABETH LINT: And same with Royal Punjab Enterprises, Incorporated doing business as Ultimate Pizza and Grill, Gurcharan Gill, manager, holder of a common victualer license and entertainment license at

251 Cambridge Street for a change of d/b/a to  
Royal Punjab.

CHAIR ANDREA JACKSON: I move we accept.

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor  
signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

I make a motion that we adjourn at 10:31  
p.m.

Is there a second?

CHIEF GERALD REARDON: Second.

CHAIR ANDREA JACKSON: All those in favor  
signify by saying aye?

CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

(Whereupon the hearing was adjourned at  
10:31 p.m.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

PAGE	LINE	
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_____	_____	CHANGE: _____
		REASON: _____
_____	_____	CHANGE: _____
		REASON: _____
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I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and  
for the Commonwealth of Massachusetts, do hereby  
certify:

That the hearing herein before set forth  
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 18th day of August 2015.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

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<u>§</u>	<b>13.00</b> [1] - 242:11
<b>\$15,000</b> [1] - 21:14	<b>13:00</b> [1] - 31:17
<b>\$20</b> [1] - 254:7	<b>14</b> [2] - 13:17, 46:7
<u>!</u>	<b>144</b> [1] - 2:6
<b>'06</b> [2] - 166:11, 166:12	<b>145</b> [1] - 61:6
<b>'70s</b> [1] - 193:4	<b>147</b> [1] - 2:8
<b>'80s</b> [1] - 193:4	<b>149</b> [1] - 2:9
<u>o</u>	<b>14903</b> [1] - 295:14
<b>02139</b> [1] - 1:13	<b>14th</b> [3] - 9:4, 10:14, 46:7
<u>1</u>	<b>15</b> [4] - 46:7, 65:16, 75:10, 116:13
<b>10</b> [1] - 193:12	<b>155</b> [1] - 2:11
<b>100</b> [1] - 253:10	<b>158</b> [1] - 2:12
<b>1030</b> [22] - 2:4, 60:14, 60:18, 61:2, 62:17, 63:19, 76:4, 80:13, 81:3, 83:9, 83:18, 86:13, 86:18, 87:4, 89:13, 89:15, 90:17, 90:19, 92:9, 107:8, 107:15, 206:3	<b>15th</b> [3] - 15:11, 46:8, 51:12
<b>1050</b> [1] - 79:14	<b>16</b> [4] - 25:8, 38:15, 218:11, 225:11
<b>1099</b> [1] - 172:2	<b>160</b> [3] - 252:5, 253:8, 265:2
<b>10:00</b> [7] - 165:2, 234:5, 240:16, 252:7, 257:13, 286:3, 290:2	<b>162</b> [1] - 2:13
<b>10:15</b> [1] - 100:8	<b>165</b> [2] - 160:19, 163:17
<b>10:30</b> [1] - 61:4	<b>167</b> [1] - 2:14
<b>10:31</b> [3] - 1:15, 293:10, 293:19	<b>16th</b> [1] - 53:14
<b>11</b> [4] - 1:14, 4:2, 5:2, 32:19	<b>17</b> [4] - 192:19, 193:5, 201:2
<b>1105</b> [1] - 124:1	<b>1782</b> [2] - 285:17, 286:16
<b>1172</b> [1] - 169:19	<b>18</b> [3] - 51:12, 286:2, 290:2
<b>11:00</b> [25] - 68:11, 68:13, 170:3, 170:4, 174:6, 181:4, 181:9, 181:17, 181:19, 182:1, 199:16, 203:1, 206:10, 207:11, 210:4, 234:5, 235:13, 240:15, 252:6, 286:2, 286:3, 286:4, 290:2, 290:3	<b>1864</b> [1] - 150:1
<b>11:30</b> [3] - 14:6, 31:18, 165:2	<b>18th</b> [1] - 295:11
<b>11th</b> [1] - 137:8	<b>19</b> [6] - 13:6, 35:13, 35:14, 60:17, 234:4, 240:15
<b>12</b> [2] - 16:2, 48:14	<b>190</b> [1] - 71:9
<b>12-month</b> [1] - 155:16	<b>1924</b> [1] - 149:6
<b>12/30</b> [1] - 147:13	<b>1970</b> [1] - 107:3
<b>12/30/15</b> [1] - 148:8	<b>1980</b> [1] - 214:3
<b>1238</b> [1] - 158:4	<b>1982</b> [1] - 188:10
<b>12:00</b> [2] - 68:11, 174:7	<b>1993</b> [1] - 171:8
<b>13</b> [1] - 12:14	<b>1994</b> [1] - 186:10
	<b>1996</b> [2] - 186:11, 289:1
	<b>1999</b> [1] - 186:11
	<b>19th</b> [3] - 13:1, 36:18, 80:15
	<b>1:00</b> [25] - 14:4, 61:3, 61:4, 68:11, 100:18, 107:17, 170:1, 170:3, 174:9, 196:11, 199:9, 200:13, 210:4, 216:19, 217:6, 220:1, 221:9, 221:11, 252:6, 252:7, 257:13, 268:8, 274:17, 275:12
	<b>1:30</b> [1] - 172:18

<u>2</u>	
<u>2</u> [4] - 252:4, 256:17, 260:19, 265:1	<u>286</u> [1] - 3:7
<u>2,120</u> [2] - 161:2, 163:18	<u>287</u> [1] - 3:9
<u>20</u> [13] - 164:17, 165:16, 169:3, 173:16, 177:6, 182:16, 190:18, 191:5, 192:11, 230:1, 259:9, 271:6, 280:5	<u>28th</u> [4] - 14:17, 46:9, 48:10, 49:13
<u>20-some-odd</u> [1] - 214:15	<u>29</u> [4] - 165:1, 166:6, 166:18, 267:13
<u>2003</u> [2] - 75:13, 203:16	<u>29th</u> [7] - 87:13, 94:7, 95:13, 96:2, 109:13, 109:15, 110:6
<u>2006</u> [2] - 168:2, 242:15	<u>2:00</u> [34] - 25:5, 170:4, 173:2, 173:3, 176:8, 185:2, 186:4, 187:16, 189:6, 189:7, 189:14, 190:1, 190:5, 196:9, 196:12, 196:14, 199:5, 202:5, 202:15, 207:15, 207:16, 209:13, 209:14, 210:1, 210:3, 210:5, 210:18, 213:14, 213:17, 216:19, 217:5, 217:8, 221:9, 221:12
<u>2007</u> [1] - 82:6	
<u>2010</u> [1] - 280:13	<u>3</u>
<u>2012</u> [1] - 212:4	<u>3,000</u> [1] - 262:19
<u>2013</u> [1] - 289:5	<u>30</u> [5] - 135:11, 135:13, 146:19, 184:19, 191:5
<u>2014</u> [9] - 10:5, 13:1, 13:7, 35:13, 35:15, 36:18, 41:1, 41:18, 44:4	<u>30-something</u> [1] - 259:9
<u>2015</u> [8] - 1:14, 4:2, 5:2, 17:15, 53:14, 60:17, 243:18, 295:11	<u>300</u> [1] - 247:13
<u>21</u> [1] - 248:13	<u>30th</u> [1] - 95:14
<u>212</u> [3] - 161:1, 161:18, 163:17	<u>32</u> [4] - 25:8, 38:15, 121:5
<u>22</u> [2] - 177:2, 227:12	<u>33</u> [1] - 217:16
<u>229</u> [1] - 2:16	<u>35</u> [1] - 283:15
<u>23</u> [3] - 173:19, 184:8, 242:15	<u>4</u>
<u>231</u> [1] - 279:1	<u>40</u> [3] - 107:5, 283:16, 283:19
<u>2322</u> [1] - 152:11	<u>45-day</u> [1] - 125:19
<u>2378</u> [1] - 7:7	<u>49</u> [1] - 2:3
<u>238</u> [1] - 2:17	<u>4:00</u> [2] - 61:3, 196:10
<u>2380</u> [2] - 9:10, 9:12	<u>4th</u> [1] - 95:16
<u>24</u> [5] - 17:16, 117:19, 121:16, 173:19, 190:16	<u>5</u>
<u>24/7</u> [3] - 99:1, 99:2, 107:9	<u>50</u> [7] - 82:15, 173:9, 200:3, 220:9, 220:10, 283:14
<u>244</u> [1] - 161:17	<u>500</u> [2] - 268:14, 268:16
<u>246</u> [1] - 2:19	<u>52</u> [1] - 100:9
<u>24th</u> [1] - 24:16	<u>53</u> [1] - 121:4
<u>25</u> [5] - 171:6, 192:16, 193:19, 214:15, 220:2	<u>56</u> [1] - 218:11
<u>251</u> [1] - 293:1	<u>59</u> [1] - 2:5
<u>26</u> [3] - 5:9, 192:4, 210:15	<u>5:00</u> [5] - 27:4, 66:1, 182:1, 196:10, 216:7
<u>261</u> [1] - 3:3	<u>5:30</u> [2] - 27:10, 27:19
<u>27</u> [1] - 10:5	
<u>273</u> [1] - 3:4	
<u>27th</u> [2] - 145:17, 145:18	
<u>28</u> [2] - 14:3, 32:5	
<u>280</u> [1] - 3:5	
<u>281</u> [1] - 220:11	

<u>6</u>	<u>9</u>
<p><u>6</u> [4] - 17:15, 49:16, 109:7, 243:18  <u>6/19</u> [1] - 19:17  <u>60</u> [3] - 32:7, 65:10, 173:10  <u>617.786.7783</u> [1] - 1:19  <u>635</u> [1] - 265:19  <u>639</u> [1] - 90:16  <u>643-645</u> [2] - 106:19, 107:3  <u>651</u> [2] - 93:12, 97:18  <u>661</u> [3] - 83:8, 85:16, 106:17  <u>663</u> [1] - 80:12  <u>6:00</u> [1] - 27:10  <u>6:04</u> [1] - 1:15  <u>6th</u> [2] - 121:4, 138:5</p>	<p><u>9</u> [1] - 82:5  <u>9/27</u> [2] - 19:17, 21:3  <u>90</u> [1] - 226:8  <u>911</u> [3] - 37:18, 38:1, 38:2  <u>940</u> [1] - 242:11  <u>99</u> [2] - 170:6, 176:17  <u>991</u> [1] - 79:13  <u>9:00</u> [1] - 175:14</p>
<u>7</u>	<u>A</u>
<p><u>7</u> [2] - 2:2, 32:5  <u>7/14</u> [2] - 31:16, 32:1  <u>7/17</u> [1] - 32:18  <u>7/28</u> [2] - 31:16, 32:1  <u>71</u> [2] - 198:15, 228:11  <u>72</u> [5] - 170:5, 172:16, 176:15,  201:11, 220:13  <u>73</u> [3] - 188:9, 205:16, 214:3  <u>79A</u> [1] - 184:18  <u>7:00</u> [5] - 101:2, 101:4, 107:18,  114:17, 235:14  <u>7:30/8</u> [1] - 172:18</p>	<p><u>A-N-I-C-O</u> [1] - 149:14  <u>a.m</u> [65] - 61:3, 61:4, 68:11, 100:8,  100:18, 101:2, 101:4, 107:17,  107:18, 115:1, 115:3, 165:2, 170:1,  170:3, 170:4, 185:2, 186:4, 187:16,  189:6, 189:7, 189:14, 190:1, 190:6,  196:9, 196:14, 199:5, 199:9,  199:16, 202:5, 202:15, 207:11,  207:15, 207:16, 210:1, 210:3,  210:5, 210:18, 213:14, 213:17,  216:19, 217:1, 217:5, 217:7, 217:8,  221:9, 221:11, 221:12, 234:5,  240:15, 252:6, 252:7, 257:13,  268:8, 274:17, 275:12, 286:2,  286:4, 290:2  <u>a.m./2:00</u> [1] - 217:6  <u>Aaron</u> [1] - 266:8  <u>abate</u> [1] - 15:4  <u>ABCC</u> [3] - 152:9, 154:9, 154:19  <u>abeyance</u> [3] - 46:14, 47:5, 47:7  <u>ability</u> [4] - 193:8, 253:5, 268:3,  268:4  <u>able</u> [26] - 9:13, 9:14, 13:18,  14:15, 31:4, 42:15, 49:4, 65:14,  67:4, 73:3, 74:15, 79:2, 85:10,  88:7, 91:7, 96:10, 115:7, 115:17,  118:7, 122:13, 132:2, 139:4,  182:11, 204:7, 216:3, 216:13  <u>absolutely</u> [7] - 44:19, 106:6,  135:18, 142:4, 249:3, 257:1, 288:15  <u>Absolutely</u> [1] - 99:11  <u>abut</u> [1] - 194:17  <u>abutter</u> [12] - 80:12, 163:3, 182:13,  187:7, 196:19, 197:1, 208:5,  215:14, 238:7, 254:3</p>
<u>8</u>	
<p><u>8/1/16</u> [1] - 151:3  <u>8/1/2016</u> [1] - 151:7  <u>8/19</u> [3] - 19:9, 19:13, 24:8  <u>80</u> [1] - 292:1  <u>82</u> [1] - 201:1  <u>831</u> [2] - 1:13, 5:3  <u>84</u> [2] - 187:6, 230:12  <u>847</u> [3] - 233:19, 234:16, 241:11  <u>87</u> [1] - 215:13  <u>8890</u> [1] - 194:15  <u>8:00</u> [2] - 115:1, 115:3  <u>8:30</u> [1] - 157:15  <u>8:31</u> [1] - 157:16  <u>8th</u> [1] - 109:11</p>	

**abutter's** [1] - 198:9  
**abutters** [10] - 64:18, 71:4, 86:14, 88:9, 92:3, 93:11, 221:14, 261:8, 263:13, 266:12  
**accelerated** [1] - 58:2  
**accept** [4] - 115:1, 146:2, 292:4, 293:3  
**accepted** [1] - 282:10  
**access** [8] - 10:17, 40:17, 118:6, 120:16, 122:9, 178:8, 209:8, 253:9  
**accessibility** [2] - 225:1, 258:14  
**accessible** [1] - 195:14  
**accidents** [1] - 38:7  
**accommodate** [1] - 123:16  
**accommodates** [1] - 65:10  
**accommodating** [2] - 14:11, 67:2  
**accompany** [1] - 244:17  
**accomplish** [1] - 285:4  
**according** [6] - 27:2, 52:3, 53:7, 54:3, 71:15, 215:15  
**accurate** [4] - 94:16, 94:18, 294:12, 295:9  
**accurately** [1] - 70:2  
**Acentech** [4] - 68:2, 69:1, 109:8, 119:7  
**achieve** [1] - 277:3  
**acoustic** [4] - 84:2, 178:16, 180:3, 180:12  
**acoustical** [22] - 64:10, 67:14, 70:7, 70:9, 70:11, 73:6, 81:14, 83:13, 96:17, 109:14, 112:4, 113:3, 113:12, 117:11, 118:13, 118:14, 118:17, 119:8, 119:15, 135:1, 135:4, 135:14  
**acoustician** [15] - 88:3, 91:8, 101:17, 102:4, 102:9, 104:6, 105:7, 119:7, 121:7, 131:3, 131:11, 133:17, 134:1, 138:2, 138:16  
**acoustician's** [2] - 92:6, 101:19  
**acousticians** [1] - 133:14  
**acoustics** [2] - 94:1, 95:1  
**acquire** [3] - 72:9, 76:3, 79:3  
**acted** [2] - 5:11, 113:19  
**action** [2] - 129:7, 211:10  
**activated** [2] - 11:11, 12:3  
**activator** [1] - 263:17

**active** [4] - 68:18, 123:8, 260:11, 263:17  
**Activities** [1] - 249:12  
**activity** [5] - 65:7, 67:15, 111:10, 203:10, 263:19  
**actual** [6] - 94:14, 175:7, 224:16, 227:11, 256:12, 282:1  
**ADAM** [12] - 234:6, 234:8, 234:12, 236:13, 238:16, 239:1, 239:13, 240:2, 240:13, 240:17, 242:4  
**Adam** [2] - 234:8, 234:10  
**add** [10] - 40:14, 83:4, 86:3, 89:13, 93:18, 94:3, 107:17, 108:2, 125:3, 216:18  
**added** [1] - 67:14  
**adding** [2] - 80:6, 102:18  
**addition** [13] - 10:3, 52:7, 71:14, 80:7, 82:13, 103:13, 109:17, 110:12, 121:5, 216:8, 218:16, 277:9, 277:13  
**additional** [17] - 46:16, 55:16, 56:1, 68:16, 70:1, 84:10, 94:2, 97:8, 97:13, 100:3, 110:2, 110:10, 116:18, 130:2, 147:8, 155:18, 206:1  
**address** [14] - 12:14, 69:13, 75:11, 75:12, 98:8, 120:3, 133:5, 133:8, 150:1, 175:3, 219:11, 232:15, 268:3, 269:17  
**addressed** [6] - 11:1, 15:1, 115:9, 269:4, 269:7  
**addresses** [2] - 33:15, 43:8  
**addressing** [1] - 125:6  
**adequate** [1] - 116:6  
**adequately** [1] - 115:10  
**adjourn** [1] - 293:10  
**adjourned** [1] - 293:18  
**adjust** [1] - 269:13  
**administrative** [1] - 266:11  
**admittedly** [2] - 67:16, 116:16  
**adult** [1] - 91:12  
**advantage** [1] - 277:6  
**advantages** [1] - 66:15  
**advertised** [2] - 238:12, 239:4  
**advised** [3] - 51:14, 53:6, 54:1  
**advocates** [1] - 243:9  
**affect** [1] - 98:13

**affected** [3] - 70:12, 98:11, 99:3  
**affidavit** [1] - 266:12  
**afraid** [1] - 229:14  
**afternoon** [3] - 14:4, 31:17, 88:2  
**afterwards** [1] - 212:11  
**age** [4] - 191:11, 248:9, 248:12, 248:18  
**agencies** [1] - 32:10  
**agenda** [4] - 6:10, 6:17, 56:8, 238:13  
**AGENDA** [4] - 2:1, 2:1, 3:1, 3:1  
**aggravate** [1] - 73:9  
**ago** [15] - 5:11, 18:16, 21:4, 49:17, 69:10, 100:2, 153:6, 153:13, 173:16, 191:5, 191:6, 192:4, 193:1, 262:18, 287:17  
**agree** [4] - 22:9, 32:11, 137:1, 143:4  
**agreeable** [1] - 87:8  
**agreed** [4] - 87:5, 87:11, 87:14, 101:18  
**agreement** [4] - 109:3, 155:5, 240:3, 246:19  
**ahead** [7] - 24:4, 60:2, 91:18, 145:10, 165:12, 249:16, 264:17  
**Aimee** [1] - 243:4  
**AIMEE** [1] - 243:5  
**air** [7] - 21:11, 67:12, 67:15, 101:4, 111:3, 161:3, 163:19  
**alarm** [29] - 11:9, 11:10, 11:18, 12:2, 12:3, 12:4, 12:5, 12:6, 13:14, 14:5, 14:12, 25:3, 25:4, 26:10, 26:11, 27:13, 27:16, 28:6, 28:8, 28:12, 28:19, 29:11, 30:4, 30:19, 34:8, 34:11, 34:17, 47:16  
**alcohol** [15] - 103:12, 166:19, 200:10, 207:1, 210:13, 214:10, 214:11, 214:12, 215:3, 215:7, 220:10, 220:11, 249:1, 249:3, 274:11  
**alcoholic** [9] - 5:9, 61:1, 146:18, 149:5, 152:10, 169:17, 200:5, 212:2, 265:18  
**Alden** [5] - 62:14, 63:14, 66:1, 72:16, 124:15  
**Alewife** [2] - 161:17, 279:1

**allegations** [1] - 46:11  
**alley** [1] - 197:14  
**alleyway** [1] - 197:2  
**allow** [14] - 57:14, 69:16, 73:15, 115:18, 133:6, 145:13, 147:8, 147:9, 164:18, 207:16, 207:17, 234:2, 248:5, 285:18  
**allowed** [7] - 30:2, 64:12, 64:16, 123:14, 132:2, 247:15, 249:5  
**allows** [2] - 210:11, 210:18  
**almost** [5] - 84:3, 129:1, 181:13, 214:14, 231:1  
**Alpha** [1] - 242:8  
**ALPHA** [2] - 2:17, 242:5  
**alteration** [4] - 170:7, 266:1, 266:16, 277:16  
**alternatively** [1] - 68:11  
**ambient** [4] - 68:3, 69:6, 100:11, 101:8  
**amenable** [1] - 221:10  
**amendment** [3] - 145:8, 146:2, 146:4  
**America** [2] - 173:9, 193:12  
**AMIEE** [1] - 243:4  
**amount** [11] - 55:6, 70:17, 75:13, 78:7, 78:8, 79:18, 80:2, 84:4, 112:17, 114:11, 245:10  
**amplification** [4] - 170:8, 180:2, 181:11, 207:17  
**amplified** [3] - 180:13, 188:3, 202:8  
**amplifying** [2] - 206:10, 207:11  
**analogy** [1] - 121:13  
**analysis** [11] - 87:16, 88:4, 88:8, 94:14, 96:3, 96:11, 96:17, 101:19, 135:16, 138:15, 140:4  
**analyze** [1] - 83:13  
**AND** [6] - 3:6, 3:7, 3:9, 291:14, 291:14, 292:13  
**AND/OR** [1] - 295:17  
**Andarge** [3] - 51:18, 53:3, 53:17  
**ANDREA** [316] - 1:7, 4:14, 5:13, 6:16, 7:12, 7:15, 8:1, 8:8, 8:12, 8:17, 9:1, 16:9, 16:16, 17:5, 18:3, 19:11, 23:2, 24:1, 24:4, 26:1, 26:7, 33:6, 45:14, 45:17, 46:1, 46:10, 46:19, 47:6, 47:10, 50:4, 50:10, 50:14, 51:2, 51:7, 54:13,

56:3, 58:3, 59:5, 59:17, 60:8,  
 60:12, 61:12, 73:17, 74:3, 74:6,  
 76:6, 76:11, 76:17, 77:5, 77:8,  
 77:12, 77:18, 79:5, 80:8, 82:2,  
 83:6, 84:19, 85:12, 85:19, 88:16,  
 89:1, 90:8, 93:1, 95:5, 97:14,  
 98:7, 99:5, 105:1, 105:18, 106:4,  
 106:9, 106:14, 108:11, 108:13,  
 117:4, 118:12, 120:4, 122:1, 122:4,  
 122:8, 122:12, 125:3, 127:1, 128:6,  
 129:15, 130:5, 130:12, 133:3,  
 133:12, 133:16, 139:13, 139:19,  
 144:7, 144:16, 145:2, 145:7,  
 145:11, 145:18, 146:3, 146:7,  
 146:10, 147:16, 148:1, 148:3,  
 148:11, 148:17, 149:9, 149:11,  
 149:15, 150:4, 150:11, 150:15,  
 151:2, 151:5, 151:10, 151:15,  
 151:18, 152:4, 152:13, 152:15,  
 153:1, 153:18, 154:19, 155:10,  
 155:18, 156:2, 156:5, 156:13,  
 156:17, 157:1, 157:5, 157:9,  
 157:12, 157:16, 158:9, 158:18,  
 159:15, 160:1, 160:9, 160:13,  
 161:5, 161:13, 163:6, 163:8,  
 163:11, 164:4, 164:8, 165:4, 165:7,  
 168:1, 168:4, 168:11, 168:15,  
 168:18, 169:8, 169:12, 170:12,  
 170:15, 171:2, 174:17, 177:11,  
 178:11, 178:19, 179:7, 179:13,  
 179:17, 180:9, 181:13, 181:16,  
 182:2, 182:9, 182:17, 183:12,  
 184:3, 184:15, 186:5, 187:2, 188:4,  
 189:16, 189:19, 190:10, 191:18,  
 193:17, 194:13, 195:9, 195:18,  
 196:18, 197:3, 198:5, 198:12,  
 198:18, 200:7, 200:15, 202:12,  
 203:12, 204:11, 204:13, 205:13,  
 207:4, 212:9, 213:3, 213:19,  
 215:11, 217:13, 218:18, 221:7,  
 222:7, 222:17, 224:6, 226:6, 228:9,  
 229:8, 229:17, 230:10, 232:4,  
 232:8, 232:11, 233:5, 233:8,  
 233:12, 234:7, 235:19, 237:14,  
 238:6, 238:10, 239:5, 239:9,  
 240:11, 240:14, 240:18, 241:3,  
 241:6, 241:16, 242:1, 242:16,  
 242:18, 243:15, 244:5, 244:9,

246:18, 247:7, 247:11, 247:19,  
 249:17, 250:10, 250:14, 250:17,  
 251:8, 251:12, 251:16, 252:10,  
 252:15, 253:1, 253:11, 255:17,  
 257:15, 257:18, 258:4, 259:13,  
 260:1, 260:4, 262:2, 262:5, 262:8,  
 264:13, 265:6, 265:10, 267:2,  
 268:18, 269:8, 269:19, 270:6,  
 272:10, 274:3, 274:14, 274:18,  
 275:2, 275:14, 275:18, 276:3,  
 277:15, 278:2, 278:7, 278:11,  
 278:15, 280:19, 281:3, 281:9,  
 281:13, 282:5, 282:17, 283:2,  
 284:2, 284:7, 284:12, 284:16,  
 285:7, 286:5, 287:15, 287:19,  
 288:3, 288:17, 289:15, 290:1,  
 290:6, 290:9, 290:16, 291:8,  
 291:12, 292:3, 292:6, 292:9, 293:3,  
 293:5, 293:9, 293:14

**Andrea** [2] - 5:5, 99:13

**animals** [1] - 17:6

**annual** [1] - 153:7

**Ansul** [8] - 13:14, 28:18, 29:3,  
 30:13, 31:5, 31:10, 33:18, 224:4

**Ansuls** [2] - 10:15, 11:3

**answer** [4] - 37:8, 49:8, 65:14,  
 95:17

**anticipate** [2] - 66:2, 275:5

**anticipated** [1] - 247:12

**anticipating** [1] - 197:9

**anxious** [1] - 196:13

**ANY** [2] - 295:17, 295:17

**anyways** [2] - 158:17, 288:13

**apartment** [1] - 161:17

**apartments** [2] - 172:3, 176:3

**apologize** [2] - 58:17, 62:10

**appealing** [1] - 63:7

**appear** [3] - 56:17, 113:18, 138:11

**appeared** [1] - 64:8

**appearing** [1] - 50:19

**appeasing** [1] - 133:2

**apples** [1] - 141:1

**Applicant** [1] - 61:7

**applicant** [34] - 50:19, 60:4, 61:15,  
 63:19, 65:11, 73:7, 80:16, 84:7,  
 84:12, 87:5, 89:11, 94:10, 95:9,

95:10, 108:18, 125:5, 127:9, 147:5,  
147:10, 161:3, 170:2, 170:6,  
170:19, 187:9, 209:16, 211:6,  
211:18, 212:15, 224:7, 230:14,  
242:11, 252:16, 266:7, 279:7

**applicant's** [2] - 58:18, 90:5

**applicants** [11] - 63:8, 68:1, 86:7,  
87:3, 87:9, 102:1, 103:17, 104:9,  
105:7, 112:5, 267:7

**APPLICATION** [28] - 2:4, 2:6, 2:7,  
2:9, 2:10, 2:12, 2:13, 2:14, 2:15,  
2:17, 2:18, 3:2, 3:4, 3:5, 60:14,  
146:13, 149:1, 152:5, 157:17,  
160:16, 164:11, 169:13, 233:15,  
242:5, 251:17, 265:13, 278:16,  
285:11

**application** [50] - 5:10, 56:5, 58:2,  
60:17, 62:12, 63:11, 71:10, 74:8,  
77:2, 90:1, 90:6, 97:11, 108:8,  
146:16, 149:3, 154:8, 158:1, 160:5,  
160:18, 163:15, 164:14, 169:15,  
190:19, 211:13, 233:17, 234:9,  
238:14, 238:15, 242:8, 252:1,  
261:4, 261:12, 264:19, 265:16,  
267:15, 268:10, 277:1, 278:18,  
279:14, 280:6, 281:15, 281:17,  
281:19, 282:6, 282:16, 283:3,  
285:14, 287:7, 287:18, 291:1

**applied** [20] - 60:19, 147:1, 149:7,  
152:11, 154:8, 158:4, 160:19,  
164:16, 169:16, 173:3, 233:19,  
242:9, 252:3, 259:18, 260:1, 260:3,  
266:1, 279:2, 285:16, 286:18

**APPLY** [1] - 295:17

**apply** [2] - 179:12, 180:8

**applying** [4] - 61:7, 161:3, 170:2,  
170:6

**appointed** [1] - 243:9

**appreciable** [1] - 69:4

**appreciate** [8] - 69:11, 86:11,  
105:5, 128:13, 128:14, 128:15,  
165:14, 222:12

**appreciated** [1] - 226:10

**appreciation** [1] - 86:12

**appreciative** [2] - 108:19, 112:18

**approach** [1] - 259:12

**approachable** [2] - 258:9, 258:16

**approached** [1] - 117:1

**appropriate** [4] - 42:12, 123:16,  
215:8, 260:12

**appropriateness** [1] - 124:19

**approval** [16] - 70:16, 87:12, 147:1,  
152:9, 166:4, 228:13, 244:2,  
249:10, 249:11, 249:16, 266:15,  
278:5, 278:8, 278:9, 279:13, 291:4

**approvals** [1] - 167:3

**approve** [10] - 148:7, 151:6, 155:1,  
156:9, 163:15, 169:3, 241:10,  
264:18, 277:16, 291:1

**approved** [3] - 154:18, 161:16, 244:1

**approves** [1] - 249:19

**Arc** [1] - 193:3

**architect** [3] - 266:9, 266:19,  
269:11

**architectural** [2] - 79:8, 79:15

**area** [35] - 15:7, 15:8, 66:6, 67:7,  
79:18, 80:3, 82:10, 82:18, 83:3,  
112:6, 132:10, 161:17, 174:11,  
175:11, 189:12, 192:19, 202:3,  
214:7, 214:12, 214:13, 215:6,  
215:8, 217:18, 223:3, 227:10,  
235:9, 259:4, 259:6, 261:2, 261:17,  
268:14, 272:6, 272:15, 276:16

**areas** [2] - 111:16, 276:13

**AREE** [11] - 166:8, 166:11, 166:15,  
167:5, 167:8, 167:13, 167:15,  
167:18, 168:3, 168:6, 168:9

**Aree** [2] - 164:15, 165:15

**argument** [1] - 31:15

**arise** [1] - 248:7

**arose** [2] - 64:4, 92:8

**arrangements** [1] - 120:15

**arrival** [2] - 53:9, 54:4

**arrived** [4] - 9:6, 14:4, 31:16,  
58:12

**art** [1] - 83:19

**article** [1] - 35:15

**as-is** [1] - 224:2

**ascertain** [1] - 88:7

**ASHLEY** [7] - 187:4, 187:5, 207:5,  
207:6, 230:12, 231:4, 232:1

**Ashley** [3] - 187:4, 207:5, 230:12

**aspect** [1] - 238:4  
**assault** [1] - 107:9  
**asserted** [2] - 53:9, 54:5  
**assessment** [1] - 91:8  
**Assessor's** [1] - 215:16  
**asset** [2] - 72:3, 98:4  
**assisting** [1] - 52:2  
**associate** [1] - 270:5  
**associated** [11] - 55:8, 64:3, 71:6, 103:16, 111:3, 111:10, 113:1, 113:6, 116:16, 201:9, 229:5  
**Associates** [1] - 79:15  
**Association** [4] - 156:10, 261:11, 263:15, 276:9  
**association** [1] - 152:8  
**ASSOCIATION** [2] - 2:9, 152:5  
**assume** [6] - 150:18, 246:1, 248:10, 248:12, 257:2, 290:10  
**assuming** [3] - 200:4, 244:12, 248:19  
**assumptions** [3] - 87:15, 88:8, 102:11  
**assure** [1] - 110:17  
**AT** [3] - 1:12, 2:17, 242:5  
**attached** [3] - 17:8, 88:14, 260:10  
**attainable** [1] - 258:15  
**attempt** [2] - 6:7, 102:6  
**attended** [2] - 41:14, 94:9  
**attention** [8] - 50:2, 73:10, 110:4, 111:1, 116:4, 116:18, 124:9, 201:5  
**attitude** [1] - 84:12  
**Attorney** [3] - 8:15, 170:19, 242:10  
**attorney** [4] - 159:5, 234:8, 266:6, 279:6  
**attraction** [1] - 228:1  
**ATTY** [83] - 5:15, 7:1, 7:14, 8:15, 18:7, 18:17, 20:10, 20:14, 23:18, 37:15, 40:13, 41:11, 42:5, 43:6, 44:3, 47:11, 48:8, 48:17, 49:9, 50:12, 50:17, 54:18, 56:15, 57:1, 58:5, 60:13, 61:13, 62:3, 62:9, 108:17, 117:8, 118:15, 120:5, 122:11, 122:14, 125:16, 127:4, 130:3, 137:5, 139:10, 146:12, 147:3, 147:14, 148:15, 149:10, 149:13, 149:17, 150:5, 150:10, 150:13, 151:14, 152:2, 158:13,

159:3, 166:18, 168:7, 170:18, 221:8, 234:6, 234:8, 234:12, 236:13, 238:16, 239:1, 239:13, 240:2, 240:13, 240:17, 242:4, 266:3, 267:3, 269:2, 269:10, 272:16, 273:3, 274:12, 274:16, 279:5, 279:11, 281:16, 282:7, 283:1, 283:12  
**Atwoods** [1] - 217:10  
**audible** [1] - 12:5  
**audience** [1] - 243:12  
**AUDIENCE** [1] - 120:2  
**Audio** [1] - 61:8  
**audiotaped** [1] - 4:17  
**August** [18] - 1:14, 5:2, 13:1, 13:6, 17:15, 35:13, 35:14, 36:18, 49:16, 95:16, 100:2, 109:7, 109:11, 121:3, 138:5, 145:17, 145:18, 295:11  
**august** [1] - 4:2  
**autos** [2] - 161:2, 163:18  
**available** [3] - 117:11, 141:16, 179:15  
**Ave** [24] - 9:11, 62:18, 62:19, 64:1, 66:9, 66:12, 75:14, 76:5, 76:16, 79:13, 79:14, 86:13, 86:18, 87:4, 89:13, 89:15, 90:17, 107:8, 107:15, 120:15, 150:1, 206:4, 285:14, 291:2  
**AVE** [2] - 3:5, 285:11  
**Avenue** [16] - 1:13, 5:4, 7:7, 61:2, 63:1, 66:8, 80:14, 81:3, 123:13, 124:1, 124:2, 149:7, 152:11, 204:18, 285:17, 286:17  
**award** [1] - 73:1  
**awards** [1] - 173:6  
**aware** [16] - 19:8, 19:11, 21:15, 22:6, 24:8, 26:8, 34:4, 37:6, 40:2, 58:11, 81:2, 132:8, 246:13, 256:18, 267:4, 267:9  
**awareness** [1] - 41:6  
**aways** [1] - 218:3  
**awhile** [1] - 287:17  
**awnings** [1] - 224:15  
**Aye** [2] - 242:1, 293:9  
**aye** [67] - 47:1, 47:2, 47:3, 60:9, 60:10, 60:11, 146:8, 146:9, 146:10, 146:11, 148:12, 148:13, 148:14,

151:11, 151:12, 151:13, 156:14,  
156:15, 156:16, 156:17, 157:6,  
157:7, 157:13, 157:14, 160:10,  
160:11, 160:12, 164:5, 164:6,  
164:7, 164:8, 169:9, 169:10,  
169:11, 169:12, 233:9, 233:10,  
233:11, 233:12, 241:17, 241:18,  
241:19, 251:9, 251:10, 251:11,  
265:7, 265:8, 265:9, 278:3, 278:12,  
278:13, 278:14, 285:8, 285:9,  
285:10, 291:9, 291:10, 291:11,  
292:10, 292:11, 292:12, 293:6,  
293:7, 293:8, 293:15, 293:16,  
293:17

B

**B-R-O-D-Y** [1] - 83:8  
**background** [5] - 235:5, 237:12,  
237:18, 254:7, 288:18  
**backgrounds** [1] - 260:7  
**backs** [1] - 270:17  
**backwards** [1] - 181:14  
**backyard** [1] - 80:14  
**bad** [1] - 84:17  
**badly** [1] - 227:8  
**baffle** [1] - 142:16  
**balance** [1] - 200:10  
**Bali** [1] - 158:14  
**band** [1] - 170:9  
**bar** [35] - 172:12, 173:7, 173:8,  
175:6, 177:1, 178:10, 185:19,  
186:1, 189:10, 190:5, 191:11,  
192:18, 193:12, 195:5, 201:11,  
203:5, 203:7, 207:2, 215:2, 218:1,  
218:10, 218:11, 218:13, 220:4,  
223:3, 224:13, 225:11, 227:5,  
227:10, 227:11, 227:14, 252:18,  
258:8, 258:13, 258:17  
**BAR** [4] - 2:11, 3:3, 157:17, 265:13  
**Bar** [5] - 158:2, 158:7, 160:6,  
265:17, 277:18  
**bar/restaurant** [1] - 219:19  
**bars** [17] - 173:1, 173:8, 185:14,  
185:15, 189:9, 191:3, 191:8,  
192:17, 199:6, 199:18, 200:2,  
204:9, 210:2, 210:5, 214:9, 214:17,

217:17  
**Barsamian's** [1] - 117:17  
**base** [2] - 124:1, 271:12  
**based** [7] - 59:13, 94:13, 94:14,  
140:11, 142:8, 144:10, 272:6  
**Basement** [2] - 1:12, 5:4  
**basement** [4] - 178:4, 178:5, 178:8,  
178:10  
**Basha** [4] - 5:7, 5:14, 50:8, 51:1  
**BASHA** [2] - 2:3, 50:6  
**basis** [1] - 55:7  
**basketball** [1] - 195:12  
**bat** [1] - 217:1  
**Bay** [1] - 123:17  
**BC** [1] - 192:18  
**beacon** [3] - 11:19, 34:12, 230:3  
**Beacon** [1] - 262:17  
**bear** [1] - 111:1  
**Beard** [1] - 73:1  
**beautiful** [2] - 107:11, 107:12  
**beautify** [1] - 273:5  
**became** [5] - 22:10, 63:18, 99:10,  
165:17, 192:6  
**become** [3] - 6:14, 20:5, 276:11  
**beer** [7] - 200:3, 252:18, 253:4,  
258:8, 258:13, 258:17, 287:8  
**beers** [5] - 177:6, 177:7, 200:3,  
258:19, 259:3  
**beg** [1] - 108:8  
**begin** [4] - 101:4, 102:18, 127:16,  
138:10  
**BEGIN** [1] - 257:8  
**beginning** [7] - 103:14, 104:15,  
131:1, 131:5, 131:15, 135:3, 141:5  
**begins** [1] - 101:1  
**begun** [1] - 118:9  
**behalf** [9] - 8:16, 50:19, 58:19,  
61:15, 106:18, 147:4, 149:16,  
262:13, 264:3  
**behind** [8] - 64:18, 77:16, 78:3,  
78:12, 83:9, 90:17, 93:12, 270:19  
**beleaguered** [1] - 108:6  
**belongs** [1] - 246:9  
**below** [9] - 61:10, 65:9, 170:10,  
181:1, 181:7, 181:8, 235:4, 238:18,

239:1

**below-grade** [1] - 65:9**Ben** [1] - 289:18**bench** [2] - 270:15, 271:2**beneficial** [1] - 261:19**beside** [2] - 36:15, 219:9**best** [7] - 84:6, 112:7, 119:4,  
173:7, 193:13, 204:5**better** [8] - 82:19, 150:6, 194:3,  
204:2, 228:15, 271:14, 283:13,  
284:12**between** [19] - 14:9, 33:18, 66:13,  
68:11, 71:4, 76:16, 90:19, 110:6,  
110:14, 142:17, 185:9, 196:11,  
206:5, 229:10, 255:9, 267:15,  
270:11, 270:14**beverages** [13] - 5:9, 61:1, 146:19,  
149:6, 152:10, 164:19, 169:17,  
200:5, 212:2, 234:2, 252:4, 265:18,  
285:19**beyond** [1] - 56:2**big** [11] - 22:6, 81:17, 81:19,  
93:11, 93:13, 172:14, 195:7,  
207:12, 227:7, 263:7, 271:8**bigger** [1] - 227:3**biggest** [2] - 89:10, 207:9**bit** [16] - 11:5, 14:8, 154:11,  
165:19, 167:10, 168:10, 171:5,  
180:1, 180:3, 194:2, 195:1, 199:12,  
225:14, 238:2, 244:10, 258:19**black** [1] - 225:6**blame** [1] - 34:15**block** [2] - 123:17, 174:1**blocked** [10] - 4:9, 4:10, 9:7, 9:15,  
10:3, 10:17, 11:4, 38:7, 43:4,  
175:7**blocking** [1] - 212:1**blocks** [2] - 82:18, 132:7**blow** [1] - 125:14**blue** [2] - 175:8**board** [1] - 128:8**Board** [21] - 29:19, 120:10, 125:9,  
127:2, 127:6, 127:18, 128:1,  
128:17, 129:16, 130:1, 145:15,  
149:19, 166:2, 173:13, 194:11,  
199:9, 211:19, 222:15, 249:19,

260:10

**BOARD** [1] - 1:6**Board's** [3] - 127:10, 128:4, 128:18**BOB** [4] - 204:12, 204:14, 286:12**Bob** [4] - 204:14, 277:11, 286:12,  
289:18**booths** [1] - 227:16**born** [1] - 194:6**boss** [1] - 245:3**Boston** [16] - 21:12, 112:6, 112:8,  
171:17, 173:6, 177:9, 192:17,  
193:13, 194:1, 212:1, 212:6,  
212:13, 247:4, 247:10, 289:13**bother** [1] - 194:1**bottled** [1] - 177:7**bottles** [1] - 189:3**bottom** [1] - 220:15**box** [2] - 211:11, 253:17**Boyer** [1] - 99:13**boyfriend** [1] - 195:11**brand** [1] - 282:11**brand-new** [1] - 282:11**breakfast** [1] - 235:17**brew** [4] - 256:1, 256:7, 256:10,  
256:12**brewed** [1] - 253:4**brewery** [1] - 256:2**Brewing** [2] - 253:7, 256:4**brewing** [2] - 256:6, 256:7**BREW PUB** [4] - 2:18, 2:19, 251:17,  
251:17**Brewpub** [4] - 252:1, 252:2, 264:19,  
265:1**brewpub** [1] - 253:4**Brian** [5] - 62:15, 87:14, 130:8,  
130:10, 135:11**BRIAN** [4] - 130:8, 130:10, 130:13**brian** [1] - 130:9**BRIANA** [24] - 242:17, 243:2, 243:6,  
243:17, 244:2, 244:14, 245:4,  
245:7, 245:19, 246:7, 246:10,  
246:13, 246:17, 247:2, 247:10,  
247:13, 248:2, 248:10, 248:16,  
249:3, 249:11, 250:2, 251:15**Briana** [1] - 243:2

**brief** [5] - 75:5, 78:5, 107:2, 125:4, 266:18  
**briefly** [1] - 147:4  
**bright** [1] - 274:2  
**bring** [11] - 49:9, 60:3, 63:15, 84:4, 99:19, 116:3, 176:13, 181:19, 184:13, 223:17, 263:12  
**bringing** [3] - 167:17, 189:10, 283:9  
**brings** [4] - 93:18, 196:16, 205:8, 215:6  
**broad** [1] - 20:19  
**BRODY** [1] - 83:7  
**Brody** [2] - 83:7, 104:14  
**broke** [2] - 29:4, 71:15  
**broken** [3] - 10:11, 21:9, 22:1  
**broker** [1] - 262:14  
**Brook** [1] - 279:2  
**Brookline** [1] - 279:6  
**brother** [1] - 52:2  
**brother)** [1] - 51:19  
**brought** [7] - 13:3, 66:7, 66:8, 75:18, 75:19, 172:6, 262:18  
**brunch** [6] - 66:3, 101:2, 103:8, 107:19, 114:17, 115:3  
**brush** [1] - 20:19  
**buffer** [1] - 270:8  
**buffering** [1] - 269:13  
**build** [7] - 126:6, 192:5, 230:8, 256:18, 257:7, 267:11, 273:4  
**build-out** [2] - 256:18, 257:7  
**builder** [2] - 162:11, 231:18  
**Building** [2] - 1:12, 5:3  
**building** [79] - 9:9, 9:17, 12:1, 23:14, 25:6, 36:17, 62:18, 63:19, 64:3, 64:5, 64:19, 65:8, 65:9, 65:12, 66:14, 66:17, 69:14, 70:9, 70:12, 71:1, 73:5, 73:8, 86:13, 86:17, 90:19, 93:13, 93:15, 98:17, 99:2, 99:8, 99:14, 99:16, 100:1, 100:4, 100:13, 102:17, 108:3, 111:3, 111:4, 111:11, 115:14, 116:15, 116:17, 117:14, 121:1, 121:15, 122:19, 123:1, 123:3, 123:15, 126:17, 128:8, 132:8, 150:3, 162:5, 165:17, 172:1, 175:6, 188:1, 188:19, 189:1, 198:1, 209:5,

210:8, 219:10, 226:12, 226:17, 254:17, 255:2, 255:9, 255:10, 262:18, 270:8, 272:1, 272:4, 272:13, 274:1  
**buildings** [3] - 115:6, 124:3, 205:8  
**Bukowski's** [2] - 199:19, 217:9  
**bump** [1] - 277:7  
**bump-out** [1] - 277:7  
**bunch** [1] - 229:11  
**burn** [1] - 36:13  
**burns** [2] - 36:9, 36:10  
**business** [45] - 7:4, 11:18, 34:11, 55:6, 60:18, 63:3, 86:18, 146:17, 149:4, 158:2, 160:6, 164:14, 166:15, 169:4, 169:18, 171:6, 192:16, 193:10, 195:15, 197:15, 203:16, 205:3, 206:5, 206:9, 206:17, 211:17, 212:17, 220:3, 220:4, 233:17, 238:4, 238:5, 241:11, 252:2, 255:13, 265:1, 265:16, 277:18, 278:18, 280:10, 280:12, 285:15, 291:2, 291:18, 292:17  
**Business** [3] - 261:10, 263:15, 276:9  
**businesses** [3] - 83:2, 245:15, 261:5  
**busy** [1] - 6:9  
**but..** [3] - 62:2, 154:18, 284:6  
**buyer** [1] - 57:6  
**buying** [2] - 83:19, 245:8

c

**C-H-E-N** [1] - 243:3  
**C-R-A-W-F-O-R-D** [1] - 184:7  
**Cafe** [4] - 5:8, 5:14, 50:8, 51:1  
**CAFE** [2] - 2:3, 50:6  
**CAHILL** [7] - 8:18, 8:19, 9:3, 31:12, 33:8, 35:11, 46:6  
**Cahill** [22] - 8:18, 18:9, 19:8, 21:7, 21:16, 22:11, 22:15, 24:6, 24:19, 25:12, 26:4, 26:11, 28:18, 29:10, 29:19, 30:6, 30:10, 31:7, 41:15, 42:7, 47:14, 48:4  
**calendar** [2] - 147:9, 147:15  
**caliber** [1] - 124:7  
**Callahan** [1] - 162:11  
**CAMBRIDGE** [6] - 1:1, 1:2, 2:9, 2:10,

152:5, 157:17

**Cambridge** [66] - 1:13, 7:8, 8:19, 52:12, 54:10, 63:1, 71:9, 77:4, 79:15, 91:12, 101:7, 103:1, 107:6, 123:12, 152:8, 153:14, 156:10, 158:1, 158:4, 160:5, 161:17, 169:19, 172:10, 173:18, 190:15, 193:19, 201:15, 204:18, 209:4, 210:14, 212:7, 212:14, 217:16, 217:18, 224:11, 234:1, 234:16, 234:18, 236:8, 241:11, 242:12, 252:19, 253:7, 256:4, 260:18, 261:2, 261:6, 261:10, 261:13, 263:3, 263:15, 265:19, 276:9, 276:11, 276:13, 276:14, 276:18, 277:2, 277:3, 277:7, 280:15, 280:16, 289:12, 293:1

**CAMBRIDGEPARK** [2] - 2:12, 160:16

**Cambridgepark** [4] - 160:18, 161:1, 163:16, 163:17

**campus** [2] - 243:16, 243:18

**Canada** [1] - 104:14

**Canal** [4] - 252:4, 256:18, 260:19, 265:1

**cancelled** [1] - 24:18

**cancer** [1] - 144:5

**candidly** [1] - 231:12

**candor** [2] - 70:10, 80:4

**cannot** [7] - 4:12, 8:6, 61:19, 107:11, 107:13, 159:12, 263:10

**capable** [1] - 124:15

**capacity** [16] - 61:6, 165:1, 170:5, 176:15, 176:17, 218:14, 220:12, 234:4, 240:14, 241:12, 252:5, 253:8, 265:2, 286:1, 290:1, 291:3

**Capital** [1] - 262:17

**capital** [3] - 124:7, 126:7, 226:16

**Captain** [21] - 18:8, 19:8, 21:7, 21:16, 22:10, 22:15, 24:6, 24:19, 25:12, 26:4, 26:11, 28:18, 29:9, 29:19, 30:6, 30:10, 41:15, 42:6, 46:4, 47:14, 48:4

**CAPTAIN** [6] - 8:18, 9:3, 31:12, 33:8, 35:11, 46:6

**captain** [2] - 8:18, 9:1

**CAPTURING** [1] - 1:18

**car** [1] - 161:19

**cards** [3] - 183:2, 183:5, 183:10

**care** [8] - 11:14, 22:2, 22:5, 52:13, 54:9, 204:5, 217:6, 291:13

**careful** [1] - 110:3

**carefully** [1] - 79:4

**Carlone** [1] - 264:2

**Carol** [4] - 104:16, 106:19, 107:2, 108:9

**CAROL** [1] - 106:19

**cars** [2] - 78:10, 91:15

**Carter** [1] - 75:10

**Carthy** [2] - 33:10, 34:3

**CASA** [1] - 243:8

**case** [6] - 112:1, 112:3, 114:1, 206:7, 206:16, 209:12

**cases** [2] - 124:11, 211:10

**Casino** [4] - 247:4, 247:5, 247:8, 247:10

**casino** [2] - 242:14, 243:6

**casually** [1] - 259:11

**caught** [1] - 40:7

**causing** [1] - 42:8

**caution** [1] - 119:5

**cautious** [1] - 39:10

**Cavco** [1] - 112:12

**CD** [1] - 238:19

**cease** [1] - 68:17

**ceiling** [1] - 17:8

**cell** [2] - 4:5, 32:16

**Cellar** [1] - 79:14

**Central** [3] - 171:14, 194:3, 237:2

**central** [1] - 36:15

**centrifugal** [1] - 142:15

**CEO** [1] - 159:7

**certain** [9] - 66:15, 100:13, 109:15, 134:18, 136:12, 136:13, 181:4, 212:3, 245:10

**certainly** [12] - 57:10, 57:17, 58:18, 59:3, 70:16, 116:17, 152:18, 175:1, 175:14, 176:1, 177:5, 228:2

**certificate** [3] - 154:3, 154:10, 155:2

**CERTIFICATION** [2] - 295:1, 295:16

**Certified** [1] - 295:14

**certify** [1] - 295:7

**CERTIFYING** [1] - 295:18

**cetera** [3] - 88:11, 174:18, 244:13

**CFO** [1] - 289:18

**chain** [1] - 197:7

**chain-link** [1] - 197:7

**CHAIR** [316] - 1:7, 4:14, 5:13, 6:16,

7:12, 7:15, 8:1, 8:8, 8:12, 8:17,  
9:1, 16:9, 16:16, 17:5, 18:3,  
19:11, 23:2, 24:1, 24:4, 26:1,  
26:7, 33:6, 45:14, 45:17, 46:1,  
46:10, 46:19, 47:6, 47:10, 50:4,  
50:10, 50:14, 51:2, 51:7, 54:13,  
56:3, 58:3, 59:5, 59:17, 60:8,  
60:12, 61:12, 73:17, 74:3, 74:6,  
76:6, 76:11, 76:17, 77:5, 77:8,  
77:12, 77:18, 79:5, 80:8, 82:2,  
83:6, 84:19, 85:12, 85:19, 88:16,  
89:1, 90:8, 93:1, 95:5, 97:14,  
98:7, 99:5, 105:1, 105:18, 106:4,  
106:9, 106:14, 108:11, 108:13,  
117:4, 118:12, 120:4, 122:1, 122:4,  
122:8, 122:12, 125:3, 127:1, 128:6,  
129:15, 130:5, 130:12, 133:3,  
133:12, 133:16, 139:13, 139:19,  
144:7, 144:16, 145:2, 145:7,  
145:11, 145:18, 146:3, 146:7,  
146:10, 147:16, 148:1, 148:3,  
148:11, 148:17, 149:9, 149:11,  
149:15, 150:4, 150:11, 150:15,  
151:2, 151:5, 151:10, 151:15,  
151:18, 152:4, 152:13, 152:15,  
153:1, 153:18, 154:19, 155:10,  
155:18, 156:2, 156:5, 156:13,  
156:17, 157:1, 157:5, 157:9,  
157:12, 157:16, 158:9, 158:18,  
159:15, 160:1, 160:9, 160:13,  
161:5, 161:13, 163:6, 163:8,  
163:11, 164:4, 164:8, 165:4, 165:7,  
168:1, 168:4, 168:11, 168:15,  
168:18, 169:8, 169:12, 170:12,  
170:15, 171:2, 174:17, 177:11,  
178:11, 178:19, 179:7, 179:13,  
179:17, 180:9, 181:13, 181:16,  
182:2, 182:9, 182:17, 183:12,  
184:3, 184:15, 186:5, 187:2, 188:4,  
189:16, 189:19, 190:10, 191:18,

193:17, 194:13, 195:9, 195:18,  
196:18, 197:3, 198:5, 198:12,  
198:18, 200:7, 200:15, 202:12,  
203:12, 204:11, 204:13, 205:13,  
207:4, 212:9, 213:3, 213:19,  
215:11, 217:13, 218:18, 221:7,  
222:7, 222:17, 224:6, 226:6, 228:9,  
229:8, 229:17, 230:10, 232:4,  
232:8, 232:11, 233:5, 233:8,  
233:12, 234:7, 235:19, 237:14,  
238:6, 238:10, 239:5, 239:9,  
240:11, 240:14, 240:18, 241:3,  
241:6, 241:16, 242:1, 242:16,  
242:18, 243:15, 244:5, 244:9,  
246:18, 247:7, 247:11, 247:19,  
249:17, 250:10, 250:14, 250:17,  
251:8, 251:12, 251:16, 252:10,  
252:15, 253:1, 253:11, 255:17,  
257:15, 257:18, 258:4, 259:13,  
260:1, 260:4, 262:2, 262:5, 262:8,  
264:13, 265:6, 265:10, 267:2,  
268:18, 269:8, 269:19, 270:6,  
272:10, 274:3, 274:14, 274:18,  
275:2, 275:14, 275:18, 276:3,  
277:15, 278:2, 278:7, 278:11,  
278:15, 280:19, 281:3, 281:9,  
281:13, 282:5, 282:17, 283:2,  
284:2, 284:7, 284:12, 284:16,  
285:7, 286:5, 287:15, 287:19,  
288:3, 288:17, 289:15, 290:1,  
290:6, 290:9, 290:16, 291:8,  
291:12, 292:3, 292:6, 292:9, 293:3,  
293:5, 293:9, 293:14

**Chair** [17] - 5:5, 5:16, 8:6, 17:3,  
22:19, 47:11, 50:18, 61:14, 62:3,  
108:18, 129:1, 137:5, 147:4, 192:1,  
219:5, 266:4, 266:14

**challenge** [2] - 120:19, 128:7

**challenged** [1] - 73:5

**chance** [5] - 81:9, 108:15, 133:18,  
186:16, 228:14

**chances** [1] - 44:2

**change** [31] - 16:4, 111:9, 114:5,  
122:18, 152:12, 153:2, 153:4,  
153:10, 156:9, 158:5, 158:16,  
159:11, 214:6, 215:6, 231:14,  
232:17, 243:13, 247:17, 263:2,

270:10, 279:2, 279:14, 279:15,  
280:7, 280:8, 282:3, 282:12, 292:1,  
293:1, 294:2

**CHANGE** [6] - 294:4, 294:5, 294:6,  
294:7, 294:8, 294:9

**Change** [1] - 158:6

**changed** [8] - 52:4, 82:19, 92:9,  
93:15, 211:1, 239:14, 283:19, 287:4

**changes** [6] - 43:9, 235:11, 287:3,  
290:12, 290:14, 294:11

**changing** [4] - 167:9, 283:10,  
283:14, 287:1

**channels** [1] - 195:7

**CHAPTER** [2] - 2:17, 242:5

**Chapter** [1] - 242:8

**characterization** [1] - 109:4

**charge** [5] - 39:14, 52:5, 53:10,  
54:6, 236:16

**charities** [2] - 173:10, 230:6

**check** [5] - 30:11, 30:17, 179:14,  
251:5, 260:5

**checked** [3] - 25:7, 27:16, 215:16

**checking** [1] - 25:19

**checks** [2] - 56:11, 254:7

**chef** [1] - 252:18

**chef/owner/operator** [1] - 61:18

**CHEN** [23] - 242:17, 243:2, 243:6,  
243:17, 244:2, 244:14, 245:4,  
245:7, 245:19, 246:7, 246:10,  
246:13, 246:17, 247:2, 247:10,  
247:13, 248:2, 248:10, 248:16,  
249:3, 249:11, 250:2, 251:15

**Chen** [1] - 243:2

**Chief** [4] - 5:5, 173:17, 192:1,  
250:5

**chief** [3] - 32:15, 35:11, 73:1

**CHIEF** [172] - 1:9, 4:7, 7:10, 19:14,  
19:19, 20:4, 20:9, 21:17, 22:7,  
35:9, 36:19, 37:12, 38:2, 38:6,  
38:9, 38:11, 38:14, 38:18, 39:18,  
41:2, 41:19, 43:1, 43:10, 44:7,  
45:9, 45:19, 46:18, 47:3, 48:2,  
48:13, 49:6, 49:15, 56:16, 60:11,  
61:19, 62:5, 74:5, 122:6, 134:3,  
134:7, 136:5, 136:10, 140:7,  
140:15, 141:11, 141:15, 142:4,

142:12, 143:6, 143:13, 143:17,  
144:15, 146:6, 146:11, 147:12,  
148:2, 148:10, 148:14, 150:8,  
150:17, 151:4, 151:9, 151:13,  
155:13, 156:1, 156:12, 156:16,  
157:4, 157:7, 157:11, 157:15,  
159:19, 160:8, 160:12, 162:4,  
162:7, 162:16, 163:4, 163:7, 164:3,  
164:7, 166:5, 166:9, 166:12,  
166:16, 167:1, 167:6, 167:11,  
167:14, 167:16, 167:19, 168:13,  
169:7, 169:11, 176:14, 178:1,  
178:7, 179:19, 193:16, 199:2,  
221:17, 223:2, 223:7, 223:13,  
223:19, 232:7, 233:7, 233:11,  
236:10, 236:14, 239:10, 239:19,  
240:5, 240:10, 241:4, 241:15,  
241:19, 243:19, 245:2, 245:5,  
245:16, 246:4, 246:8, 246:11,  
246:14, 248:8, 248:11, 248:19,  
250:4, 250:16, 251:7, 251:11,  
254:13, 255:3, 255:6, 255:11,  
255:19, 256:14, 256:17, 257:2,  
257:6, 257:9, 262:6, 265:5, 265:8,  
271:16, 271:19, 272:19, 273:11,  
273:16, 274:10, 275:10, 276:1,  
278:1, 278:10, 278:14, 280:14,  
283:5, 284:15, 285:6, 285:10,  
289:9, 290:10, 290:15, 291:7,  
291:11, 292:8, 292:11, 293:4,  
293:8, 293:13, 293:16

**chiefly** [2] - 64:4, 110:14

**children** [5] - 75:12, 189:12, 194:6,  
216:6

**chip** [1] - 101:18

**chips** [5] - 245:10, 245:11, 245:17,  
245:19, 246:3

**choices** [1] - 235:8

**CHRIS** [1] - 186:7

**Chris** [3] - 186:7, 287:14, 288:12

**Christopher** [3] - 179:11, 180:7,  
265:17

**chronicle** [1] - 63:12

**Chronicle** [1] - 173:16

**Chung** [1] - 260:15

**cigarettes** [1] - 197:14

**circumstances** [2] - 42:14, 228:15

**citation** [7] - 16:12, 33:7, 33:15, 34:9, 44:4, 44:5, 49:2  
**citations** [3] - 15:17, 44:8, 44:9  
**cited** [7] - 15:4, 15:13, 15:16, 43:17, 44:18, 48:11, 48:18  
**City** [4] - 123:12, 211:19, 278:5, 278:9  
**CITY** [1] - 1:2  
**city** [8] - 22:12, 28:1, 29:16, 108:4, 111:15, 166:4, 248:6, 289:12  
**city's** [1] - 86:19  
**claiming** [1] - 37:6  
**clarification** [2] - 18:11, 47:12  
**clarify** [2] - 48:9, 230:14  
**classier** [1] - 195:1  
**clean** [6] - 21:12, 21:13, 38:17, 40:4, 40:10, 101:3  
**cleaned** [5] - 11:5, 25:11, 38:8, 38:9, 38:11  
**cleaners** [1] - 103:3  
**cleaning** [2] - 17:9, 167:9  
**cleanser** [1] - 16:19  
**clear** [10] - 25:6, 32:16, 40:17, 48:9, 48:16, 49:4, 135:3, 139:14, 215:1, 275:11  
**cleared** [1] - 14:19  
**clearly** [2] - 203:17, 207:2  
**client** [1] - 125:6  
**client's** [1] - 127:13  
**clientele** [2] - 258:18, 259:5  
**clients** [1] - 235:19  
**cloak** [2] - 136:6, 136:7  
**close** [18] - 30:8, 38:19, 66:12, 71:12, 81:5, 97:1, 111:16, 113:4, 115:6, 116:14, 116:18, 118:3, 118:5, 129:8, 193:1, 210:4, 224:14  
**closed** [10] - 15:12, 28:1, 46:5, 46:6, 46:7, 46:9, 46:16, 175:14, 188:18, 225:3  
**closely** [1] - 162:12  
**closer** [1] - 23:1  
**closest** [2] - 90:18, 215:15  
**closing** [18] - 39:4, 68:10, 185:2, 186:4, 196:12, 196:14, 199:9, 201:9, 202:4, 202:5, 207:16, 208:18, 210:1, 210:3, 228:3,

232:18, 268:7, 274:16  
**cloths** [1] - 17:9  
**club** [1] - 152:10  
**clubs** [1] - 153:14  
**CMR** [1] - 242:11  
**co** [1] - 124:2  
**co-existing** [1] - 124:2  
**Coast** [1] - 171:7  
**code** [2] - 167:17, 167:18  
**codes** [1] - 253:19  
**Coffee** [1] - 234:18  
**coincides** [1] - 35:15  
**cold** [2] - 16:18, 17:8  
**collaborate** [1] - 144:19  
**collaborating** [1] - 129:14  
**collaborative** [1] - 134:12  
**collaboratively** [1] - 140:17  
**colleague** [1] - 62:15  
**collected** [1] - 268:17  
**college** [2] - 192:17, 192:18  
**color** [1] - 287:3  
**combination** [1] - 202:2  
**comfort** [1] - 258:9  
**comfortable** [1] - 132:5  
**coming** [12] - 6:1, 26:17, 29:10, 96:1, 108:3, 172:13, 209:2, 210:10, 229:3, 233:13, 248:9, 282:3  
**comment** [3] - 59:8, 73:18, 226:5  
**comments** [10] - 45:18, 59:5, 72:7, 73:19, 74:2, 74:4, 75:2, 86:3, 86:11, 144:16  
**commercial** [5] - 66:14, 70:19, 123:11, 236:3, 236:6  
**Commission** [42] - 5:1, 5:16, 15:18, 19:1, 49:3, 50:18, 51:13, 55:4, 55:19, 57:13, 57:15, 62:13, 69:16, 70:6, 71:3, 73:15, 89:18, 90:2, 90:5, 98:8, 99:13, 108:6, 109:9, 110:17, 113:5, 114:2, 115:17, 116:13, 121:2, 124:10, 124:17, 124:18, 138:18, 147:6, 201:4, 206:16, 210:15, 210:17, 213:6, 266:15, 266:17, 267:9  
**COMMISSION** [3] - 1:1, 1:4, 1:6  
**Commission's** [3] - 73:14, 116:4, 120:7

**Commissioner** [3] - 5:6, 188:11, 192:1

**COMMISSIONER** [57] - 1:8, 45:15, 47:2, 59:7, 60:7, 60:10, 74:1, 122:2, 128:19, 144:17, 145:4, 145:9, 146:1, 146:9, 147:18, 148:13, 151:12, 156:3, 156:15, 157:14, 159:17, 160:11, 163:9, 164:6, 168:16, 169:10, 180:11, 180:19, 181:6, 181:10, 181:15, 182:7, 188:14, 222:19, 232:9, 233:10, 237:5, 237:9, 239:7, 241:1, 241:18, 248:15, 249:8, 250:7, 250:12, 251:10, 262:3, 265:9, 275:16, 278:13, 284:4, 285:9, 290:7, 291:10, 292:12, 293:7, 293:17

**Commissioners** [3] - 5:5, 170:14, 219:5

**commitment** [2] - 119:14, 124:5

**commitments** [2] - 115:15, 126:9

**committed** [4] - 73:7, 117:9, 118:2, 124:8

**common** [10] - 9:10, 142:9, 164:16, 206:13, 233:19, 285:16, 286:19, 291:19, 292:18

**Common** [1] - 7:6

**Commonwealth** [2] - 295:3, 295:6

**communicate** [1] - 247:6

**communication** [1] - 213:15

**community** [15] - 204:1, 204:2, 204:6, 205:9, 206:6, 208:12, 213:9, 221:14, 230:3, 231:18, 231:19, 260:18, 261:14, 263:10, 263:12

**community's** [1] - 83:12

**companies** [3] - 10:6, 247:3, 251:4

**Company** [2] - 253:7, 256:4

**company** [15] - 13:14, 13:15, 14:5, 14:12, 21:12, 21:13, 22:4, 22:5, 30:19, 34:17, 244:16, 246:1, 246:2, 246:15, 289:18

**compare** [1] - 101:9

**compelling** [1] - 124:18

**complained** [1] - 29:19

**complaining** [1] - 218:7

**complaint** [2] - 24:18, 25:2

**complaints** [2] - 22:14, 107:16

**complete** [4] - 97:8, 139:9, 204:6, 257:7

**completed** [1] - 96:3

**completely** [3] - 196:13, 206:11, 231:6

**complex** [1] - 277:12

**compliance** [1] - 100:1

**compliant** [2] - 100:4, 162:19

**complicated** [2] - 91:9, 119:16

**comply** [1] - 162:14

**concept** [4] - 195:5, 196:2, 261:18, 263:9

**concepts** [1] - 194:19

**concern** [14] - 12:13, 39:3, 56:4, 64:9, 81:4, 81:8, 89:10, 94:17, 111:6, 130:15, 131:16, 132:15, 207:9, 213:7

**concerned** [18] - 56:13, 64:17, 78:13, 78:19, 80:18, 84:8, 88:10, 88:13, 89:8, 91:11, 91:13, 91:17, 199:5, 199:10, 202:5, 202:7, 226:2, 270:16

**concerns** [33] - 16:11, 59:11, 64:1, 66:19, 67:3, 69:14, 78:4, 98:10, 112:9, 117:13, 125:7, 128:14, 175:3, 201:3, 201:7, 202:9, 204:3, 205:2, 207:7, 208:17, 212:10, 214:4, 219:6, 220:18, 220:19, 221:13, 222:18, 232:15, 247:6, 269:4, 269:7, 269:9, 269:12

**concert** [1] - 162:19

**conclude** [3] - 67:4, 72:7, 115:17

**conclusions** [1] - 135:7

**conditioning** [2] - 67:12, 67:15

**conditions** [3] - 15:5, 15:15, 68:3

**condo** [1] - 277:11

**Condominium** [1] - 123:17

**condos** [1] - 259:7

**conduct** [2] - 14:16, 120:8

**conducted** [1] - 62:11

**Conference** [2] - 1:12, 5:4

**configuration** [1] - 284:6

**confirmed** [1] - 249:9

**confirming** [1] - 96:12

**Conforti** [1] - 146:17

**confused** [2] - 34:10  
**confusing** [1] - 226:14  
**confusion** [1] - 36:7  
**congratulated** [1] - 193:2  
**connect** [2] - 131:7, 261:7  
**connected** [1] - 173:11  
**consider** [5] - 15:18, 46:13, 119:10, 124:19, 190:8  
**consideration** [1] - 243:11  
**considered** [3] - 126:19, 187:7, 273:10  
**consistent** [5] - 16:7, 42:17, 53:8, 53:12, 54:4  
**constant** [3] - 32:8, 34:19, 86:15  
**constantly** [2] - 197:12, 197:13  
**constructed** [2] - 17:9, 224:1  
**construction** [14] - 118:9, 149:8, 150:2, 150:6, 151:1, 151:7, 162:2, 167:3, 167:8, 175:15, 192:5, 222:5, 253:11, 253:13  
**consultant** [2] - 81:15, 119:9  
**consultants** [1] - 117:11  
**consumed** [3] - 164:19, 234:3, 286:1  
**contact** [7] - 32:8, 118:3, 130:18, 131:4, 131:17, 132:12, 187:9  
**contentious** [1] - 173:4  
**contiguous** [1] - 272:12  
**contingent** [2] - 278:8, 291:4  
**continuance** [5] - 6:3, 6:9, 58:10, 58:12, 64:11  
**continuation** [1] - 165:18  
**continue** [16] - 83:1, 105:15, 115:12, 117:9, 125:10, 127:2, 129:17, 160:5, 166:14, 210:17, 231:12, 232:12, 251:2, 280:10, 284:8, 285:1  
**continued** [8] - 56:7, 60:17, 64:10, 69:17, 154:17, 159:14, 251:13, 254:2  
**contractor** [3] - 32:7, 112:5, 112:12  
**contractors** [2] - 31:19, 103:2  
**contradicted** [2] - 12:17, 13:9  
**contrary** [1] - 113:9  
**contrast** [1] - 229:9  
**Control** [2] - 103:6, 112:1

**control** [1] - 118:7  
**CONTROL** [1] - 295:17  
**conversation** [15] - 61:10, 144:8, 145:14, 170:10, 181:1, 181:4, 187:17, 208:8, 210:8, 222:2, 231:16, 235:4, 238:19, 239:1  
**conversational** [1] - 213:16  
**converted** [2] - 98:18, 99:9  
**cooking** [15] - 10:16, 35:14, 67:11, 68:8, 68:9, 68:12, 68:15, 68:18, 100:19, 101:4, 103:6, 113:6, 114:14, 114:16, 115:2  
**cool** [1] - 174:14  
**coolers** [1] - 117:18  
**cooperative** [1] - 69:11  
**copies** [2] - 13:3, 18:13  
**copy** [11] - 49:2, 69:1, 72:15, 109:8, 129:18, 168:8, 172:16, 198:16, 240:8, 264:16, 268:12  
**core** [1] - 280:9  
**CORI** [1] - 260:5  
**corner** [10] - 150:9, 199:13, 227:6, 231:10, 254:16, 254:18, 255:1, 255:4, 255:7, 273:15  
**corporation** [6] - 104:12, 242:9, 280:5, 282:2, 283:9, 283:17  
**correct** [11] - 16:13, 16:15, 33:15, 109:6, 155:1, 167:4, 240:2, 240:17, 254:15, 274:6, 290:5  
**correction** [1] - 294:2  
**corrections** [1] - 294:11  
**corridor** [4] - 66:12, 123:12, 261:16, 261:19  
**cosmetic** [2] - 287:3, 290:11  
**cosmetics** [1] - 239:17  
**Council** [2] - 278:6, 278:9  
**Councilor** [4] - 260:15, 261:3, 264:1, 276:19  
**counsel** [10] - 18:5, 20:12, 41:2, 56:16, 62:8, 108:15, 117:4, 279:8, 281:13, 285:2  
**counselor** [2] - 42:1, 43:2  
**count** [1] - 116:13  
**countless** [1] - 115:5  
**couple** [10] - 4:14, 13:19, 18:15, 29:13, 29:17, 49:17, 49:18, 66:9,

82:19, 154:14  
course [5] - 12:14, 177:1, 225:3, 226:18, 267:6  
court [4] - 237:4, 237:6, 237:7, 243:9  
court-appointed [1] - 243:9  
courtesy [1] - 206:14  
cover [2] - 209:6, 271:12  
covered [2] - 16:17, 175:12  
craft [3] - 258:8, 258:13, 258:17  
CRAWFORD [2] - 184:1, 184:6  
Crawford [1] - 184:1  
create [1] - 197:11  
created [4] - 111:13, 134:19, 189:1, 277:6  
creating [1] - 121:15  
creative [1] - 276:15  
credible [1] - 136:2  
Crest [2] - 289:10, 291:2  
cricket [1] - 229:12  
Cricket [2] - 186:14, 216:16  
critical [2] - 90:1, 138:12  
cross [1] - 126:8  
Crossing [6] - 171:17, 193:16, 193:17, 219:9, 220:12, 231:8  
crowd [5] - 75:19, 201:9, 201:10, 203:8, 247:12  
crown [1] - 225:4  
Crust [2] - 285:15, 289:5  
CRUST [2] - 3:5, 285:11  
cube [1] - 257:5  
culinary [2] - 63:13, 166:1  
curb [1] - 270:12  
cured [1] - 48:11  
current [6] - 170:1, 190:18, 235:14, 252:18, 258:8, 261:15  
CURRY [2] - 2:2, 7:2  
Curry [4] - 7:5, 7:13, 8:16, 9:3  
customer [3] - 52:13, 54:9, 54:10  
customers [2] - 52:16, 268:15  
cut [4] - 138:6, 168:9, 208:16, 270:12  
CV [3] - 169:3, 241:10, 291:1  
cycle [1] - 123:5

D

D-A-S-H [1] - 234:13  
D-E-B [1] - 286:11  
D-E-M-A-K-I-S [1] - 159:4  
D-I-A-M-A-N-T-O-P-O-U-L-O-S [1] - 159:9  
D-O-O-D-Y [1] - 217:15  
D-O-W-N-I-N-G [1] - 262:13  
D/B/A [26] - 2:2, 2:5, 2:6, 2:8, 2:11, 2:13, 2:16, 2:19, 3:3, 3:4, 3:5, 3:7, 3:9, 7:2, 60:14, 146:13, 149:1, 157:17, 164:11, 233:15, 251:17, 265:13, 278:16, 285:11, 291:14, 292:13  
d/b/a [3] - 158:6, 292:1, 293:1  
dagger [2] - 136:6, 136:8  
dah [3] - 193:10  
dah-dah-dah [1] - 193:10  
Dame [2] - 152:8, 156:10  
DAME [2] - 2:9, 152:5  
Dana [1] - 71:16  
dance [1] - 176:5  
dangerous [2] - 15:5, 15:14  
Daniel [3] - 252:2, 252:19, 259:18  
DANIELLE [3] - 79:7, 79:12  
Danielle [2] - 79:8, 79:10  
DASH [11] - 234:6, 234:8, 234:12, 236:13, 238:16, 239:1, 239:13, 240:2, 240:13, 240:17, 242:4  
Dash [1] - 234:8  
data [26] - 81:9, 81:13, 87:14, 88:5, 95:11, 96:4, 101:19, 104:7, 118:19, 119:2, 129:2, 131:8, 131:10, 137:3, 138:3, 138:4, 139:7, 139:10, 139:14, 140:1, 140:5, 140:11, 141:7, 141:9, 142:11  
date [15] - 6:4, 13:4, 17:14, 26:16, 58:12, 58:15, 64:15, 126:3, 126:4, 128:1, 145:15, 150:12, 160:15, 162:9, 294:3  
DATE [1] - 1:14  
dated [2] - 17:17, 51:12  
David [3] - 279:3, 280:3, 280:11  
DAVID [3] - 262:12, 280:17, 281:2  
david [1] - 262:12

**Davis** [3] - 236:8, 236:15  
**dawned** [1] - 58:13  
**daycare** [4] - 187:19, 199:13, 199:16, 216:6  
**days** [24] - 13:17, 18:16, 21:4, 32:19, 46:5, 46:7, 46:13, 46:14, 46:16, 47:6, 47:7, 49:17, 53:7, 54:2, 114:16, 115:3, 121:16, 138:1, 165:3, 230:19, 234:5, 240:16, 257:14, 268:17  
**dba** [3] - 121:4, 121:5  
**DE** [2] - 2:9, 152:5  
**De** [2] - 152:8, 156:10  
**deadline** [1] - 127:16  
**deal** [7] - 70:8, 81:10, 108:4, 120:11, 127:9, 128:13, 131:18  
**dealing** [2] - 39:2, 104:11  
**dealt** [1] - 39:7  
**DEB** [1] - 286:11  
**Deb** [1] - 286:11  
**decades** [1] - 264:7  
**decent** [2] - 75:13, 216:14  
**decibel** [2] - 101:10, 109:16  
**decibels** [2] - 100:9, 134:11  
**decide** [2] - 232:16  
**decided** [5] - 171:13, 189:2, 189:3, 243:13  
**Decision** [9] - 125:10, 127:2, 129:10, 144:13, 145:6, 145:12, 232:13, 251:3, 251:13  
**decision** [9] - 57:16, 89:19, 97:3, 104:5, 136:1, 138:18, 140:11, 141:2, 144:2  
**decisions** [3] - 6:14, 87:2, 140:19  
**decreased** [1] - 190:2  
**dedicated** [2] - 107:6, 274:4  
**deep** [1] - 185:9  
**DeFava** [1] - 250:5  
**defecate** [1] - 189:3  
**defer** [4] - 127:10, 128:4, 129:10, 145:11  
**deferred** [2] - 145:5, 228:13  
**definitely** [2] - 54:19, 220:16  
**degree** [1] - 36:10  
**DELANEY** [9] - 266:3, 266:5, 267:3,

269:2, 269:10, 272:16, 273:3, 274:12, 274:16  
**Delaney** [1] - 266:4  
**delay** [3] - 86:8, 90:6, 104:4  
**delayed** [1] - 88:1  
**Delhi** [1] - 291:19  
**DELHI** [2] - 3:7, 291:14  
**deliveries** [3] - 65:4, 66:5, 120:12  
**DEMAKIS** [2] - 158:13, 159:3  
**Demakis** [3] - 159:4, 165:12  
**demand** [1] - 259:1  
**demonstrate** [1] - 71:8  
**demonstrated** [2] - 116:11, 121:1  
**DENA** [11] - 85:9, 85:14, 85:15, 86:5, 88:18, 89:2, 106:2, 106:11, 106:16, 106:17, 108:12  
**Dena** [4] - 85:14, 91:5, 104:14, 106:16  
**deny** [3] - 104:8, 105:15, 108:8  
**Department** [20] - 7:9, 8:19, 13:13, 19:2, 21:10, 23:8, 30:5, 36:4, 37:17, 37:19, 38:3, 38:4, 46:15, 48:19, 154:12, 162:12, 267:17, 268:19, 269:3, 280:16  
**department** [2] - 11:6, 188:12  
**departments** [1] - 166:4  
**deputy** [1] - 32:15  
**derail** [1] - 88:6  
**described** [1] - 253:16  
**design** [8] - 68:4, 101:14, 126:6, 172:8, 175:9, 253:18, 272:9, 276:15  
**designated** [1] - 272:17  
**designed** [3] - 172:6, 227:8, 271:19  
**designer** [6] - 79:9, 79:16, 172:6, 220:13, 227:1, 227:2  
**desire** [2] - 83:12, 208:11  
**desired** [1] - 102:7  
**Dessert** [1] - 146:16  
**DESSERT** [2] - 2:6, 146:13  
**Desserterie** [1] - 146:17  
**DESSERTERIE** [2] - 2:6, 146:13  
**destination** [2] - 72:18, 276:11  
**destructive** [1] - 92:2  
**detail** [4] - 81:12, 110:10, 244:10, 248:7

**detailed** [1] - 63:12  
**determination** [3] - 70:5, 142:8, 260:10  
**determinations** [1] - 49:5  
**determining** [1] - 124:19  
**detrimental** [2] - 127:3, 127:5  
**development** [3] - 52:13, 54:9, 150:9  
**developments** [1] - 90:3  
**dialogue** [1] - 138:10  
**Diamantopoulos** [2] - 158:2, 159:8  
**Diamond** [1] - 160:5  
**DIAMONDS** [2] - 2:10, 157:17  
**diamonds** [1] - 158:1  
**Diamonds** [2] - 159:6, 159:7  
**died** [1] - 288:8  
**difference** [3] - 180:1, 196:11, 230:17  
**different** [18] - 13:19, 15:17, 33:3, 50:1, 53:7, 54:2, 57:3, 104:13, 118:1, 145:13, 171:10, 176:19, 185:7, 191:8, 231:6, 238:2, 272:8  
**difficult** [3] - 62:2, 276:13, 277:3  
**digital** [1] - 61:9  
**dimensional** [1] - 269:12  
**dimensions** [3] - 267:1, 267:19, 269:18  
**diminish** [1] - 104:1  
**dining** [6] - 15:8, 63:9, 63:15, 72:18, 215:5, 215:9  
**dinner** [6] - 65:19, 77:3, 191:14, 216:14, 235:17, 257:13  
**direct** [6] - 122:16, 196:18, 197:1, 212:9, 212:10, 232:4  
**DIRECT** [1] - 295:17  
**direction** [2] - 140:18, 186:1  
**DIRECTION** [1] - 295:18  
**directly** [14] - 18:8, 22:15, 77:15, 78:3, 83:9, 88:3, 90:16, 110:16, 119:19, 131:18, 132:12, 132:14, 134:17, 194:16  
**DIRECTOR** [62] - 1:10, 4:4, 4:16, 7:3, 16:14, 18:1, 47:4, 47:8, 50:7, 60:16, 106:7, 145:16, 146:15, 149:2, 151:16, 151:19, 152:7, 154:1, 155:3, 157:19, 158:11, 160:14, 160:17, 163:2, 164:13,

169:14, 182:12, 183:1, 183:4, 183:7, 233:16, 238:8, 238:18, 239:3, 240:7, 242:7, 244:7, 251:19, 254:1, 254:6, 254:10, 256:15, 258:1, 259:17, 260:2, 260:6, 265:15, 276:7, 278:4, 278:17, 281:5, 281:11, 282:14, 283:7, 284:11, 285:13, 287:10, 288:5, 288:14, 291:16, 292:5, 292:15  
**Director** [1] - 153:11  
**Directors** [1] - 173:13  
**directors** [3] - 152:12, 153:2, 156:9  
**disagree** [1] - 136:19  
**disagreement** [1] - 14:9  
**disaster** [1] - 193:5  
**Disciplinary** [1] - 7:4  
**disciplinary** [4] - 57:11, 59:15, 60:3, 211:10  
**DISCIPLINARY** [2] - 2:2, 7:2  
**discipline** [1] - 57:17  
**discomfort** [1] - 70:11  
**disconnected** [1] - 11:9  
**discount** [1] - 104:1  
**discover** [1] - 91:18  
**discrepancy** [1] - 154:2  
**discuss** [1] - 228:16  
**discussion** [2] - 145:19, 206:3  
**discussions** [3] - 87:5, 119:13, 253:17  
**disheartening** [2] - 40:8, 43:18  
**dispersal** [1] - 201:9  
**disperse** [1] - 201:14  
**dispersing** [2] - 201:14, 202:4  
**display** [2] - 17:7, 266:18  
**dispute** [1] - 33:4  
**disputed** [1] - 12:15  
**disregard** [1] - 206:13  
**disruption** [1] - 185:12  
**disruptions** [1] - 198:4  
**disseminate** [1] - 110:19  
**disseminating** [1] - 110:8  
**distributors** [1] - 238:1  
**district** [1] - 123:11  
**districts** [1] - 115:7  
**disturbed** [1] - 112:11

**ditto** [3] - 183:17, 202:10, 207:18  
**diversity** [1] - 235:8  
**divided** [1] - 172:15  
**DJ** [2] - 52:7, 230:16  
**dock** [3] - 66:6, 66:7, 120:16  
**docket** [1] - 86:10  
**doctor** [1] - 143:18  
**doctor's** [1] - 141:14  
**doctors** [1] - 144:5  
**documentation** [1] - 266:13  
**documents** [1] - 88:14  
**DOES** [1] - 295:17  
**donated** [1] - 245:14  
**done** [17] - 13:18, 42:12, 115:10, 115:11, 118:16, 128:15, 131:14, 142:17, 143:3, 143:16, 144:7, 192:15, 220:8, 221:2, 225:16, 240:1, 269:16  
**donut** [1] - 234:19  
**Donuts** [1] - 281:2  
**DOODY** [1] - 217:14  
**door** [5] - 9:10, 9:13, 9:14, 187:19, 198:4  
**doors** [1] - 187:8  
**doorway** [5] - 4:8, 4:9, 4:12, 7:11, 62:1  
**DOR** [1] - 155:4  
**dormant** [1] - 6:14  
**double** [1] - 179:14  
**double-check** [1] - 179:14  
**doubting** [1] - 84:6  
**down** [51] - 4:18, 11:13, 13:10, 14:10, 25:16, 25:18, 26:2, 26:8, 28:2, 28:3, 28:4, 28:14, 29:17, 30:3, 30:4, 33:14, 38:19, 39:4, 43:17, 63:9, 64:19, 71:15, 84:4, 90:5, 124:1, 135:9, 168:9, 174:8, 174:10, 178:17, 185:12, 187:8, 191:13, 193:14, 194:4, 199:7, 201:15, 217:10, 220:6, 220:9, 221:1, 221:2, 222:13, 225:15, 225:16, 254:19, 271:3, 273:1, 284:9, 285:2  
**DOWNING** [1] - 262:12  
**Downing** [1] - 262:12  
**downs** [1] - 197:16

**downstairs** [1] - 178:5  
**downtown** [2] - 193:16, 193:17  
**Downtown** [4] - 171:17, 219:9, 220:12, 231:8  
**DPW** [4] - 270:9, 270:16, 278:5, 278:9  
**draft** [2] - 177:6, 200:3  
**draw** [4] - 135:6, 139:17, 263:10, 263:11  
**drawings** [1] - 222:15  
**drink** [4] - 191:13, 200:12, 215:7, 216:14  
**drinking** [3] - 189:11, 199:15, 201:12  
**drinks** [2] - 218:2, 249:7  
**Drive** [4] - 160:18, 161:1, 163:16, 163:17  
**drive** [2] - 113:13, 185:11  
**DRIVE** [2] - 2:12, 160:16  
**driving** [2] - 27:12, 205:6  
**drove** [1] - 32:14  
**Druid** [11] - 171:9, 171:10, 184:7, 184:9, 185:7, 192:5, 192:7, 200:8, 200:9, 213:12, 217:8  
**drunk** [1] - 189:2  
**drying** [1] - 17:1  
**due** [9] - 5:10, 7:7, 24:18, 40:19, 41:19, 46:10, 137:6, 149:8, 151:6  
**dumpster** [1] - 17:16  
**Dunkin'** [1] - 281:2  
**Dunster** [1] - 146:19  
**Duong** [1] - 278:19  
**Durant** [2] - 25:5, 25:16  
**during** [8] - 4:13, 29:9, 53:16, 68:12, 107:13, 173:10, 269:4, 274:8

## E

**early** [1] - 64:15  
**earned** [2] - 72:19, 205:10  
**east** [2] - 214:7, 214:13  
**East** [7] - 261:2, 261:10, 263:3, 263:14, 276:9, 276:11, 276:14  
**Eastern** [1] - 172:7  
**eat** [4] - 174:6, 218:3, 220:17  
**eating** [1] - 235:6

**echo** [1] - 205:17  
**ED** [2] - 83:7, 83:8  
**Ed** [1] - 83:7  
**edge** [1] - 271:10  
**edification** [1] - 4:8  
**effect** [3] - 104:1, 127:3, 127:5  
**effectively** [1] - 115:8  
**effort** [7] - 14:11, 69:13, 110:18, 111:18, 116:8, 128:2, 191:16  
**efforts** [4] - 81:7, 84:6, 88:6, 127:19  
**egress** [8] - 9:16, 11:4, 15:9, 16:5, 25:2, 25:7, 40:17, 114:9  
**egresses** [7] - 9:7, 10:3, 14:19, 38:7, 40:3, 40:10, 43:4  
**eight** [11] - 5:11, 10:5, 10:7, 33:17, 99:18, 135:15, 150:19, 157:2, 170:11, 201:11, 208:15  
**eight-minute** [1] - 157:2  
**either** [8] - 96:11, 105:15, 122:15, 144:15, 177:16, 195:15, 203:10, 245:11  
**elections** [1] - 153:3  
**electric** [1] - 29:11  
**electricity** [1] - 273:17  
**elements** [1] - 65:2  
**eleven** [1] - 270:15  
**eliminate** [1] - 15:14  
**ELIZABETH** [62] - 1:10, 4:4, 4:16, 7:3, 16:14, 18:1, 47:4, 47:8, 50:7, 60:16, 106:7, 145:16, 146:15, 149:2, 151:16, 151:19, 152:7, 154:1, 155:3, 157:19, 158:11, 160:14, 160:17, 163:2, 164:13, 169:14, 182:12, 183:1, 183:4, 183:7, 233:16, 238:8, 238:18, 239:3, 240:7, 242:7, 244:7, 251:19, 254:1, 254:6, 254:10, 256:15, 258:1, 259:17, 260:2, 260:6, 265:15, 276:7, 278:4, 278:17, 281:5, 281:11, 282:14, 283:7, 284:11, 285:13, 287:10, 288:5, 288:14, 291:16, 292:5, 292:15  
**Ellen** [1] - 182:14  
**Ellery** [3] - 62:19, 71:16, 82:5  
**Ellsworth** [2] - 76:16, 204:17

**Elm** [2] - 265:16, 277:17  
**ELM** [2] - 3:2, 265:13  
**elsewhere** [1] - 195:17  
**ELVIN** [5] - 270:3, 270:4, 270:7, 271:17, 272:2  
**Elvin** [3] - 266:10, 269:17, 270:3  
**email** [15] - 95:15, 104:16, 104:18, 109:11, 110:14, 135:11, 201:4, 219:11, 219:15, 225:7, 225:8, 226:2, 228:6, 250:2, 268:12  
**emailed** [1] - 287:13  
**emails** [3] - 106:10, 174:18, 221:1  
**emanating** [1] - 176:2  
**emergency** [4] - 9:12, 12:2, 30:6, 162:8  
**eminently** [1] - 114:4  
**emphasis** [2] - 258:10, 258:12  
**emphasize** [1] - 214:6  
**employee** [4] - 25:1, 57:6, 165:16, 166:6  
**employees** [2] - 45:13, 103:2  
**empty** [3] - 4:15, 82:17, 165:17  
**emulating** [2] - 175:11, 222:5  
**enabling** [1] - 88:4  
**encourage** [1] - 207:15  
**encouraged** [1] - 123:14  
**end** [13] - 67:4, 67:5, 73:19, 74:4, 126:2, 144:13, 147:9, 147:14, 194:4, 251:14, 255:1, 259:1, 264:1  
**ends** [6] - 100:17, 100:18, 139:3, 254:18, 263:6, 271:5  
**endured** [1] - 117:15  
**enforce** [2] - 39:6, 45:1  
**engage** [2] - 208:12, 213:9  
**engaged** [2] - 87:2, 213:10  
**engagement** [2] - 116:2, 117:7  
**engineer** [19] - 68:2, 68:4, 69:3, 83:13, 84:2, 88:2, 95:1, 96:17, 109:14, 110:16, 111:12, 112:13, 118:14, 131:15, 132:6, 135:1, 135:4, 135:14, 256:10  
**engineer's** [2] - 88:8, 114:7  
**engineered** [1] - 112:2  
**Engineering** [1] - 270:5  
**engineers** [6] - 87:15, 89:15,

118:17, 129:14, 133:9, 145:13  
engines [1] - 91:16  
enhance [2] - 174:1, 176:10  
enjoy [3] - 77:4, 107:13, 218:5  
enjoyable [1] - 76:1  
enjoyed [1] - 63:14  
enjoyment [1] - 86:17  
ensure [3] - 73:7, 90:2, 124:8  
enter [4] - 9:8, 247:15, 248:18, 249:5  
entered [4] - 154:11, 155:5, 165:17, 245:12  
ENTERPRISES [2] - 3:8, 292:13  
Enterprises [1] - 292:16  
entertain [1] - 145:2  
entertainment [30] - 52:8, 55:10, 61:8, 170:7, 177:12, 178:12, 179:2, 180:2, 180:13, 180:16, 185:4, 185:5, 196:6, 210:11, 213:16, 221:18, 222:2, 230:15, 231:7, 231:9, 231:11, 231:15, 232:2, 232:18, 235:4, 238:11, 238:12, 238:14, 238:15, 292:19  
Entertainment [1] - 7:6  
entertainment/gaming [1] - 242:14  
enthusiasm [1] - 73:2  
entire [5] - 21:13, 32:8, 113:16, 254:15, 255:13  
entirely [5] - 140:2, 209:19, 210:7, 212:17, 214:14  
entities [1] - 13:15  
entity [2] - 282:11, 283:10  
entrance [13] - 172:10, 172:11, 172:13, 177:18, 224:12, 224:18, 224:19, 226:11, 226:12, 226:14, 227:3, 227:15, 254:19  
entrances [1] - 178:9  
environment [1] - 43:14  
equipment [22] - 10:16, 16:18, 17:9, 64:2, 66:18, 83:19, 87:17, 89:12, 92:14, 93:18, 99:19, 101:3, 101:10, 103:10, 113:6, 113:7, 113:9, 114:10, 115:2, 116:16, 134:9, 239:14  
ERIN [2] - 215:12, 215:13  
Erin [2] - 215:13, 219:14

ERRATA [1] - 294:1  
errata [1] - 294:3  
eruption [1] - 158:14  
escapes [1] - 64:15  
especially [4] - 173:11, 192:18, 201:7, 208:9  
essence [1] - 87:19  
essentially [2] - 236:19, 253:3  
establish [1] - 205:12  
established [1] - 261:13  
establishment [23] - 16:1, 17:13, 22:1, 22:8, 34:15, 35:2, 35:17, 41:5, 45:12, 51:11, 51:14, 53:9, 54:5, 75:17, 89:6, 186:18, 195:1, 196:8, 198:3, 205:11, 258:16, 267:4, 267:11  
establishments [5] - 39:2, 63:9, 66:11, 203:18, 204:19  
estimate [1] - 68:13  
estimated [1] - 139:8  
et [3] - 88:11, 174:18, 244:12  
evaluate [6] - 95:3, 96:16, 133:19, 135:6, 136:11, 143:14  
evaluating [1] - 142:19  
evaluation [2] - 143:3, 143:16  
evening [51] - 5:15, 7:18, 7:19, 16:7, 26:10, 50:17, 58:4, 58:13, 61:12, 61:13, 62:16, 65:15, 70:5, 76:9, 77:6, 80:9, 80:10, 93:5, 97:15, 97:16, 106:12, 149:9, 149:10, 152:13, 152:14, 153:2, 170:12, 170:18, 175:2, 187:3, 198:12, 200:18, 201:8, 201:13, 203:13, 205:14, 206:2, 208:2, 214:1, 215:12, 217:14, 218:5, 234:6, 234:7, 242:16, 242:17, 252:10, 266:4, 266:15, 267:16, 286:5  
evenings [2] - 65:12, 202:1  
Event [2] - 247:4, 247:8  
event [8] - 9:12, 43:16, 201:12, 243:10, 243:14, 244:3, 245:9, 245:13  
events [5] - 36:16, 36:17, 52:6, 177:4, 245:14  
Events [2] - 247:5, 247:10

**everyday** [2] - 22:8, 196:11  
**everywhere** [1] - 100:7  
**evidence** [2] - 113:8, 124:18  
**exact** [3] - 157:16, 223:6, 253:18  
**exactly** [7] - 28:10, 83:17, 162:18, 167:5, 176:18, 255:5, 288:11  
**example** [6] - 100:8, 102:11, 102:13, 103:5, 104:19, 213:12  
**exceed** [1] - 86:19  
**excellent** [1] - 193:6  
**except** [3] - 77:16, 223:10, 294:11  
**exceptionally** [1] - 101:6  
**exchange** [9] - 71:4, 109:5, 112:17, 115:12, 115:13, 116:6, 132:4, 137:8, 144:10  
**exchanged** [1] - 245:10  
**exchanges** [2] - 110:13, 110:14  
**excited** [4] - 195:4, 196:1, 263:8, 263:16  
**excuse** [5] - 45:4, 139:13, 212:10, 213:3, 213:4  
**execute** [1] - 258:7  
**execution** [1] - 258:10  
**EXECUTIVE** [62] - 1:10, 4:4, 4:16, 7:3, 16:14, 18:1, 47:4, 47:8, 50:7, 60:16, 106:7, 145:16, 146:15, 149:2, 151:16, 151:19, 152:7, 154:1, 155:3, 157:19, 158:11, 160:14, 160:17, 163:2, 164:13, 169:14, 182:12, 183:1, 183:4, 183:7, 233:16, 238:8, 238:18, 239:3, 240:7, 242:7, 244:7, 251:19, 254:1, 254:6, 254:10, 256:15, 258:1, 259:17, 260:2, 260:6, 265:15, 276:7, 278:4, 278:17, 281:5, 281:11, 282:14, 283:7, 284:11, 285:13, 287:10, 288:5, 288:14, 291:16, 292:5, 292:15  
**Executive** [1] - 165:11  
**exemption** [4] - 242:10, 242:12, 244:3, 249:15  
**exhaust** [14] - 67:8, 67:10, 67:16, 68:6, 68:8, 68:17, 69:5, 69:7, 70:18, 90:18, 111:3, 111:14, 117:2, 121:17  
**exhausts** [1] - 111:15

**exhibit** [1] - 275:4  
**existed** [1] - 72:9  
**existing** [11] - 67:13, 69:4, 69:6, 72:10, 72:11, 111:7, 124:2, 219:19, 268:8, 280:13, 286:15  
**exit** [1] - 9:10  
**expect** [1] - 16:5  
**expectations** [1] - 247:12  
**expecting** [2] - 136:19  
**experience** [13] - 72:16, 89:14, 113:5, 124:11, 134:15, 134:16, 165:19, 185:1, 208:10, 236:1, 236:6, 238:2, 289:7  
**experienced** [4] - 70:11, 113:10, 205:1, 220:3  
**experiences** [1] - 82:8  
**expert** [2] - 96:16, 97:3  
**expertise** [1] - 166:1  
**explain** [2] - 20:17, 283:13  
**explained** [1] - 33:10  
**explore** [2] - 72:8, 221:16  
**express** [1] - 207:7  
**expressed** [4] - 12:12, 64:9, 201:3, 202:9  
**extend** [3] - 147:1, 148:7, 149:7  
**extended** [1] - 149:18  
**extension** [4] - 125:19, 129:6, 150:12, 263:4  
**extensive** [2] - 126:10, 175:18  
**extent** [1] - 57:7  
**exterior** [3] - 9:9, 114:9, 235:10  
**external** [1] - 127:7  
**extinguish** [1] - 36:11  
**extinguishment** [1] - 10:9  
**extra** [3] - 39:10, 105:2, 277:6  
**extreme** [1] - 125:5  
**extremely** [1] - 108:19  
**eyebrows** [1] - 36:10  
**eyes** [1] - 116:6

---

**F**


---

**F-A-L-G-U-N** [1] - 8:14  
**F-E-I-N-B-E-R-G** [1] - 90:15  
**F-E-L-D-S-T-E-I-N** [1] - 85:15  
**F-O-R-S-Y-T-H-E** [1] - 243:5

**face** [2] - 36:11, 85:9  
**faced** [1] - 9:15  
**facility** [6] - 65:10, 256:6, 256:8, 256:9, 257:3, 272:7  
**facing** [3] - 57:11, 114:1, 127:14  
**fact** [17] - 12:15, 41:4, 42:11, 56:10, 100:19, 110:1, 113:8, 114:3, 114:13, 129:12, 203:19, 204:7, 209:3, 240:12, 272:4, 280:9  
**facts** [2] - 57:3, 142:5  
**factually** [1] - 110:7  
**failing** [2] - 97:10, 104:7  
**failure** [3] - 15:4, 15:8, 15:13  
**fair** [2] - 112:16, 217:6  
**fairly** [4] - 100:12, 201:13, 235:17, 253:7  
**faith** [3] - 69:13, 127:17, 204:6  
**Falgun** [3] - 7:5, 8:13, 33:12  
**FALGUN** [1] - 8:13  
**fall** [1] - 134:18  
**familiar** [1] - 227:17  
**families** [3] - 174:13, 182:1, 220:17  
**family** [4] - 199:11, 204:19, 215:5, 271:9  
**family-style** [1] - 271:9  
**fan** [13] - 17:4, 67:16, 70:18, 71:2, 90:18, 102:19, 105:8, 105:10, 105:11, 114:10, 121:17, 134:9, 195:19  
**fans** [3] - 195:8  
**fantastic** [2] - 184:11, 193:2  
**far** [7] - 25:10, 82:16, 114:10, 145:1, 218:15, 287:5, 289:7  
**Farah** [1] - 270:5  
**fashion** [1] - 243:11  
**fault** [3] - 41:7, 41:9  
**favor** [33] - 46:19, 60:8, 72:5, 74:8, 98:2, 146:7, 148:11, 151:10, 156:13, 157:5, 157:12, 160:9, 164:4, 169:8, 185:3, 187:10, 187:16, 187:17, 188:3, 206:12, 207:1, 211:12, 233:8, 241:16, 251:8, 265:6, 278:2, 278:11, 285:7, 291:8, 292:9, 293:5, 293:14  
**favorable** [1] - 213:11  
**feature** [1] - 277:2

**feedback** [1] - 264:10  
**feet** [1] - 262:19  
**FEINBERG** [1] - 90:14  
**Feinberg** [1] - 90:15  
**Feldstein** [2] - 85:15, 106:17  
**FELDSTEIN** [10] - 85:9, 85:14, 86:5, 88:18, 89:2, 106:2, 106:11, 106:16, 106:17, 108:12  
**fellow** [6] - 96:15, 135:5, 137:2, 140:12, 141:5, 143:15  
**felt** [4] - 69:18, 116:2, 119:17  
**fence** [1] - 197:7  
**Fenno** [1] - 71:16  
**Fernandes** [1] - 17:18  
**few** [17] - 11:2, 58:1, 64:1, 69:10, 82:17, 91:14, 125:11, 153:5, 153:13, 159:10, 171:7, 192:9, 210:2, 215:4, 217:7, 243:13, 287:3  
**fight** [1] - 189:5  
**fight** [1] - 189:5  
**figure** [1] - 133:6  
**figured** [1] - 94:19  
**file** [4] - 178:19, 179:9, 281:14, 288:11  
**filed** [4] - 5:10, 125:18, 267:15, 291:17  
**Filene's** [2] - 193:15, 219:10  
**filing** [4] - 6:11, 6:13, 281:14, 282:6  
**fill** [1] - 255:16  
**filled** [1] - 153:11  
**final** [5] - 6:9, 47:15, 48:5, 138:1, 167:3  
**Finale** [1] - 146:17  
**FINALE** [2] - 2:6, 146:13  
**finalize** [1] - 147:10  
**finally** [4] - 100:2, 193:1, 206:15, 211:5  
**financial** [3] - 44:16, 126:9, 174:11  
**fine** [9] - 23:16, 25:11, 45:1, 49:18, 86:2, 123:2, 155:12, 222:3, 260:7  
**finer** [1] - 44:14  
**finger** [1] - 41:3  
**fingers** [1] - 41:8

**finish** [4] - 88:17, 174:6, 212:12, 213:2  
**finishing** [1] - 218:5  
**FIR** [3] - 250:4, 272:19, 275:10  
**fire** [76] - 10:4, 10:5, 10:8, 11:8, 11:10, 11:18, 12:5, 13:6, 13:14, 19:8, 19:12, 19:18, 20:7, 21:3, 21:5, 21:6, 21:11, 22:16, 22:17, 22:18, 23:12, 23:13, 23:15, 23:17, 24:3, 24:7, 25:2, 25:4, 26:10, 26:11, 27:13, 27:15, 28:5, 28:8, 28:10, 28:12, 28:17, 28:19, 29:3, 29:11, 30:4, 30:7, 30:9, 30:13, 30:19, 34:8, 34:17, 35:14, 36:1, 36:3, 36:6, 36:8, 36:11, 36:16, 37:5, 37:6, 37:9, 37:10, 39:12, 39:17, 39:19, 40:1, 40:16, 43:3, 44:4, 44:9, 44:10, 45:7, 48:1, 91:15, 103:18, 136:12, 163:5  
**FIRE** [3] - 1:9, 4:7, 223:19  
**Fire** [15] - 7:8, 8:19, 13:13, 21:10, 23:8, 30:5, 36:4, 37:17, 37:19, 38:2, 38:4, 46:15, 48:19, 162:12, 173:17  
**fire..** [1] - 23:6  
**firehouse** [1] - 32:14  
**fires** [16] - 12:13, 12:16, 16:2, 19:19, 20:4, 20:17, 24:8, 34:14, 35:10, 37:2, 39:9, 40:15, 40:18, 41:12, 42:4, 42:9  
**firm** [2] - 119:8, 138:17  
**firmly** [1] - 124:5  
**first** [66] - 5:7, 8:3, 8:13, 12:16, 20:3, 33:8, 33:13, 36:1, 36:10, 37:6, 50:8, 50:16, 51:8, 53:12, 67:5, 72:17, 74:7, 74:10, 74:13, 74:16, 74:19, 76:12, 76:13, 77:10, 78:14, 78:15, 85:8, 87:4, 87:6, 90:12, 95:12, 123:6, 139:17, 140:12, 143:2, 143:15, 143:18, 144:2, 144:4, 149:12, 152:17, 159:1, 161:9, 162:2, 165:8, 183:14, 183:15, 183:19, 184:4, 188:7, 189:19, 212:12, 227:2, 227:9, 236:7, 243:1, 252:12, 254:14, 255:2, 270:2, 279:9, 280:13, 281:16, 281:17, 281:19, 286:7

**First** [9] - 51:9, 254:17, 254:18, 255:1, 255:4, 261:15, 262:17, 263:14, 263:18  
**first-degree** [1] - 36:10  
**fit** [4] - 177:13, 216:13, 271:7, 271:8  
**fits** [1] - 199:14  
**five** [12] - 30:10, 46:13, 47:6, 182:15, 227:5, 237:1, 267:5, 267:6, 270:9, 270:10, 270:15  
**fix** [4] - 12:9, 29:6, 31:3, 97:7  
**fixed** [3] - 26:17, 27:16, 27:17  
**fixture** [1] - 273:8  
**fixtures** [1] - 216:8  
**floor** [13] - 63:5, 63:12, 65:1, 123:7, 141:8, 167:9, 177:13, 254:14, 254:15, 287:11, 287:13, 288:11, 291:5  
**floors** [2] - 107:11, 124:3  
**focal** [1] - 172:14  
**focus** [6] - 93:9, 111:19, 113:1, 119:18, 214:9, 215:1  
**focused** [2] - 72:15, 214:18  
**folks** [1] - 61:19  
**follow** [5] - 15:14, 52:18, 87:10, 109:7, 117:5  
**follow-on** [1] - 109:7  
**follow-through** [1] - 87:10  
**follow-up** [2] - 52:18, 117:5  
**followed** [1] - 109:12  
**follows** [2] - 51:13, 66:2  
**FOOD** [4] - 2:4, 3:7, 60:14, 291:14  
**Food** [3] - 60:18, 291:18, 292:2  
**food** [29] - 17:6, 100:19, 164:18, 174:9, 174:16, 189:9, 200:1, 200:10, 214:18, 218:2, 218:3, 220:10, 223:16, 223:17, 228:2, 234:2, 236:3, 236:6, 237:3, 237:5, 237:7, 238:1, 239:16, 249:7, 258:5, 258:9, 259:3, 285:18  
**Foods** [4] - 233:17, 234:9, 234:15, 241:10  
**FOODS** [2] - 2:15, 233:15  
**Foods'** [1] - 172:8  
**foot** [12] - 78:8, 78:11, 79:18, 80:5, 84:10, 187:12, 202:4, 270:9,

270:11, 270:14, 270:15  
footage [1] - 256:12  
footprint [2] - 267:12, 272:3  
FOR [2] - 2:6, 146:13  
foregoing [1] - 294:11  
FOREGOING [1] - 295:16  
foremost [1] - 72:17  
forethought [1] - 71:4  
forgotten [1] - 98:16  
form [5] - 64:6, 153:10, 153:15, 179:8, 246:19  
former [1] - 165:15  
formerly [1] - 211:18  
forms [1] - 52:8  
FORSYTHE [1] - 243:4  
Forsythe [1] - 243:4  
forth [5] - 43:5, 91:15, 127:17, 134:11, 295:8  
forthcoming [2] - 102:2, 116:9  
forward [10] - 59:15, 70:4, 77:2, 85:6, 106:4, 108:10, 130:6, 161:7, 221:11, 262:11  
four [8] - 12:13, 16:2, 52:16, 171:15, 172:2, 185:9, 238:1, 270:14  
Franklin [1] - 71:18  
frankly [5] - 57:18, 64:19, 70:15, 92:11, 119:17  
free [1] - 270:12  
frequent [1] - 217:17  
frequented [1] - 204:19  
Fresh [1] - 280:18  
Friday [18] - 26:15, 28:15, 30:17, 32:13, 61:4, 96:19, 97:9, 110:9, 119:1, 119:2, 139:9, 172:18, 188:17, 189:13, 252:7, 286:4, 290:3  
friend [1] - 204:16  
friendly [3] - 145:7, 146:4, 275:9  
friends [3] - 77:1, 77:4, 191:14  
front [10] - 11:19, 175:9, 175:13, 177:16, 178:12, 187:14, 189:4, 197:18, 224:15, 274:1  
frozen [1] - 258:12  
Frozen [1] - 292:2  
frustrated [1] - 14:10  
frustrating [2] - 31:2, 31:8

fryolator [3] - 37:11, 37:12, 37:14  
full [18] - 17:15, 76:2, 79:10, 101:19, 104:7, 115:11, 167:14, 178:5, 218:14, 223:8, 249:16, 256:7, 257:10, 257:12, 257:16, 257:17, 275:4  
full-service [1] - 257:12  
fully [4] - 34:4, 40:2, 256:18, 260:14  
function [1] - 249:2  
functioning [10] - 11:19, 12:8, 13:12, 13:16, 15:13, 24:14, 32:1, 32:6, 33:1, 34:9  
funds [2] - 243:7, 243:12  
furthest [1] - 114:8  
future [5] - 43:11, 52:2, 52:8, 52:15, 60:3

G

G-A-R-D-N-E-R [1] - 252:14  
G-A-R-R-I-S-O-N [1] - 198:14  
G-I-B-S-O-N [1] - 205:16  
G-O-L-D-B-E-R-G [1] - 165:10  
gallons [2] - 161:2, 163:18  
game [2] - 191:15, 216:15  
games [3] - 195:6, 195:13, 245:12  
Games [1] - 107:5  
gaming [4] - 242:11, 244:3, 248:13, 249:15  
gap [1] - 217:19  
garage [11] - 65:12, 65:15, 66:6, 117:19, 122:10, 122:13, 160:19, 161:18, 162:4, 162:17, 163:16  
garden [1] - 107:13  
GARDNER [22] - 252:9, 252:13, 252:17, 253:3, 253:13, 254:4, 254:8, 254:16, 255:5, 255:8, 255:12, 256:2, 257:1, 257:4, 257:8, 257:11, 257:17, 258:2, 258:6, 259:15, 259:19, 265:12  
Gardner [1] - 252:14  
GARRISON [7] - 198:11, 198:13, 198:19, 199:3, 200:8, 228:11, 229:9  
Garrison [2] - 198:14, 228:11  
gas [7] - 23:13, 23:18, 24:2, 37:15, 37:16, 41:14, 163:18

**gasoline** [1] - 161:2  
**gastro** [13] - 172:6, 172:17, 174:1, 174:14, 177:8, 184:11, 189:8, 194:17, 203:6, 216:13, 225:12, 231:13  
**gauge** [1] - 16:19  
**geared** [1] - 112:3  
**General** [1] - 5:1  
**general** [11] - 80:4, 80:18, 84:9, 194:18, 195:4, 196:15, 197:19, 198:1, 252:17, 262:1, 289:8  
**General's** [1] - 242:10  
**generally** [2] - 52:14, 229:1  
**generate** [1] - 78:9  
**generated** [4] - 68:16, 70:17, 111:2, 114:14  
**generator** [1] - 162:8  
**Genki** [1] - 278:19  
**GENKI** [2] - 3:4, 278:16  
**gentleman** [1] - 33:10  
**gentlemen** [2] - 7:10, 193:3  
**Gerald** [1] - 5:6  
**GERALD** [179] - 1:9, 4:7, 7:10, 19:14, 19:19, 20:4, 20:9, 21:17, 22:7, 35:9, 36:19, 37:12, 38:2, 38:6, 38:9, 38:11, 38:14, 38:18, 39:18, 41:2, 41:19, 43:1, 43:10, 44:7, 45:9, 45:19, 46:18, 47:3, 48:2, 48:13, 49:6, 49:15, 56:16, 60:11, 61:19, 62:5, 74:5, 122:6, 134:3, 134:7, 136:5, 136:10, 140:7, 140:15, 141:11, 141:15, 142:4, 142:12, 143:6, 143:13, 143:17, 144:15, 146:6, 146:11, 147:12, 148:2, 148:10, 148:14, 150:8, 150:17, 151:4, 151:9, 151:13, 155:13, 156:1, 156:12, 156:16, 157:4, 157:7, 157:11, 157:15, 159:19, 160:8, 160:12, 162:4, 162:7, 162:16, 163:4, 163:7, 164:3, 164:7, 166:5, 166:9, 166:12, 166:16, 167:1, 167:6, 167:11, 167:14, 167:16, 167:19, 168:13, 169:7, 169:11, 176:14, 178:1, 178:7, 179:19, 193:16, 199:2, 221:17, 223:2, 223:7, 223:13,

223:19, 232:7, 233:7, 233:11, 236:10, 236:14, 239:10, 239:19, 240:5, 240:10, 241:4, 241:15, 241:19, 243:19, 245:2, 245:5, 245:16, 246:4, 246:8, 246:11, 246:14, 248:8, 248:11, 248:19, 250:4, 250:16, 251:7, 251:11, 254:13, 255:3, 255:6, 255:11, 255:19, 256:14, 256:17, 257:2, 257:6, 257:9, 262:6, 265:5, 265:8, 271:16, 271:19, 272:19, 273:11, 273:14, 273:16, 273:19, 274:7, 274:10, 274:13, 275:1, 275:6, 275:10, 275:13, 276:1, 278:1, 278:10, 278:14, 280:14, 283:5, 284:15, 285:6, 285:10, 289:9, 290:10, 290:15, 291:7, 291:11, 292:8, 292:11, 293:4, 293:8, 293:13, 293:16  
**giant** [1] - 257:4  
**Giant** [1] - 195:8  
**GIBSON** [1] - 205:15  
**Gibson** [1] - 205:15  
**gifts** [1] - 245:14  
**Gill** [1] - 292:18  
**girlfriend** [1] - 82:6  
**given** [9] - 33:6, 59:2, 101:12, 105:2, 110:2, 120:11, 131:6, 132:12, 211:12  
**gizmo** [1] - 100:6  
**glass** [12] - 10:11, 10:12, 11:3, 15:6, 21:9, 21:15, 21:19, 22:4, 33:18, 223:16  
**goal** [5] - 43:10, 44:17, 44:19, 63:15, 261:1  
**Goden** [1] - 169:15  
**GOLDBERG** [4] - 165:6, 165:9, 166:18, 168:7  
**Goldberg** [4] - 165:6, 165:10, 167:2, 291:17  
**GOLDEN** [2] - 2:14, 169:13  
**gonna** [3] - 42:2, 182:3, 274:4  
**grade** [1] - 65:9  
**grand** [1] - 13:1  
**grant** [2] - 97:10, 166:3  
**granted** [4] - 147:6, 164:18, 234:1,

285:18

**Graves** [1] - 263:14  
**grease** [5] - 19:17, 21:5, 37:5, 37:9, 112:3  
**great** [21] - 73:11, 75:15, 77:3, 77:5, 80:7, 81:10, 83:4, 85:14, 94:17, 97:5, 127:17, 127:18, 184:14, 193:6, 213:13, 218:16, 226:18, 231:9, 261:4, 262:17, 277:5  
**Greater** [1] - 112:6  
**greater** [1] - 129:12  
**Greek** [1] - 186:11  
**Green** [17] - 64:17, 71:18, 77:15, 78:2, 78:12, 80:12, 83:8, 84:11, 85:16, 90:16, 93:12, 97:18, 106:18, 107:1, 107:3, 254:19, 263:4  
**green** [2] - 183:5, 183:9  
**greenery** [1] - 271:13  
**GREGORY** [3] - 158:13, 159:3, 159:4  
**Gregory** [1] - 159:3  
**Grill** [1] - 292:17  
**GRILL** [2] - 3:9, 292:13  
**grill** [1] - 121:19  
**grind** [1] - 262:16  
**grocery** [2] - 117:16, 237:3  
**ground** [3] - 63:5, 141:8, 150:18  
**group** [1] - 56:18  
**GROUP** [4] - 2:4, 2:10, 60:14, 157:17  
**Group** [6] - 60:18, 158:1, 159:6, 159:7, 160:6, 169:18  
**group's** [1] - 243:7  
**grow** [1] - 261:5  
**guess** [10] - 21:17, 59:7, 103:17, 131:19, 182:3, 205:6, 205:19, 208:5, 264:1, 284:4  
**guests** [2] - 112:10, 248:4  
**guidance** [2] - 52:14, 54:11  
**Gurcharan** [1] - 292:18  
**guy** [17] - 31:10, 119:7, 135:7, 135:9, 135:10, 136:1, 136:17, 136:18, 137:15, 139:7, 139:18, 141:8, 143:2, 143:4, 143:5, 143:10  
**guys** [6] - 76:3, 133:6, 135:12, 162:15, 171:9, 182:10

H

**H-A-L-P-E-R-N** [2] - 188:9, 214:2  
**H-A-R-T** [1] - 215:13  
**H-A-W-K-I-N-S** [1] - 266:5  
**H-E-A-D-L-E-Y** [1] - 51:10  
**H-E-N-N-E-S-S-E-E** [1] - 286:13  
**H-Mart** [3] - 237:1, 237:8, 237:10  
**H-O-L-C-O-M-B-E** [1] - 80:11  
**H-U** [1] - 279:12  
**HAAS** [57] - 1:8, 45:15, 47:2, 59:7, 60:7, 60:10, 74:1, 122:2, 128:19, 144:17, 145:4, 145:9, 146:1, 146:9, 147:18, 148:13, 151:12, 156:3, 156:15, 157:14, 159:17, 160:11, 163:9, 164:6, 168:16, 169:10, 180:11, 180:19, 181:6, 181:10, 181:15, 182:7, 188:14, 222:19, 232:9, 233:10, 237:5, 237:9, 239:7, 241:1, 241:18, 248:15, 249:8, 250:7, 250:12, 251:10, 262:3, 265:9, 275:16, 278:13, 284:4, 285:9, 290:7, 291:10, 292:12, 293:7, 293:17  
**Haas** [1] - 5:6  
**Habtamu** [3] - 51:19, 52:4, 52:10  
**half** [3] - 124:13, 162:3, 193:1  
**HALPERN** [6] - 188:8, 188:16, 189:18, 190:4, 190:11, 214:1  
**Halpern** [2] - 188:9, 214:2  
**Hancock** [1] - 71:17  
**hand** [13] - 16:19, 17:1, 33:7, 50:1, 85:5, 97:15, 134:8, 141:3, 212:19, 213:5, 248:7, 248:17, 295:11  
**hand-wash** [1] - 50:1  
**handheld** [1] - 100:6  
**handicap** [3] - 224:19, 270:12, 271:4  
**handle** [1] - 42:16  
**Handlebar** [1] - 80:2  
**handled** [1] - 65:5  
**handles** [1] - 112:3  
**hands** [4] - 42:2, 74:7, 108:14, 133:4  
**hang** [1] - 176:4  
**hang-out** [1] - 176:4  
**hanging** [5] - 10:13, 15:6, 21:9,

21:19, 176:6

**happy** [8] - 119:11, 212:19, 213:5, 220:6, 220:18, 226:1, 228:4, 229:15

**hard** [8] - 102:5, 126:15, 133:1, 192:17, 205:6, 209:8, 209:18, 209:19

**Harlow** [5] - 62:14, 63:14, 66:2, 72:16, 124:16

**HARRIET** [2] - 90:14, 90:15

**Harriet** [1] - 90:14

**HART** [1] - 215:12

**Hart** [1] - 215:13

**Harvard** [5] - 62:15, 63:2, 71:17, 76:16, 107:4

**HARVEY** [6] - 188:8, 188:16, 189:18, 190:4, 190:11

**Harvey** [1] - 188:8

**hate** [2] - 128:10, 194:9

**HAWKINS** [8] - 266:3, 267:3, 269:2, 269:10, 272:16, 273:3, 274:12, 274:16

**Hawkins** [1] - 266:4

**hazard** [1] - 104:2

**hazardous** [2] - 15:5, 15:15

**hazards** [2] - 40:2, 103:15

**head** [2] - 192:8, 222:10

**headed** [1] - 6:12

**heading** [1] - 256:8

**HEADLEY** [2] - 51:3, 51:9

**Headley** [6] - 5:18, 51:2, 51:3, 55:4, 57:3, 59:9

**health** [3] - 48:10, 86:16, 104:2

**Health** [1] - 30:1

**healthy** [2] - 137:8, 187:15

**hear** [21] - 8:7, 12:4, 17:3, 22:14, 22:19, 27:3, 27:8, 27:9, 78:1, 83:11, 85:10, 93:19, 94:4, 110:9, 121:9, 182:4, 182:5, 182:11, 196:2, 222:14

**heard** [33] - 22:12, 27:6, 46:2, 59:19, 85:4, 90:9, 92:16, 93:4, 94:17, 98:6, 106:1, 114:19, 148:4, 156:6, 160:2, 163:12, 168:19, 175:2, 183:16, 184:16, 198:7, 200:17, 208:19, 211:12, 218:7, 219:1, 241:7, 250:18, 262:9,

264:15, 276:4, 284:17, 290:17

**hearing** [38] - 24:15, 24:17, 50:13, 57:11, 59:3, 59:14, 59:16, 60:3, 60:4, 62:11, 63:17, 63:18, 64:9, 67:5, 69:17, 74:14, 74:17, 76:18, 86:10, 87:4, 87:6, 93:10, 94:9, 96:14, 103:14, 122:18, 124:6, 130:14, 153:16, 191:4, 208:16, 211:19, 228:13, 228:19, 267:16, 293:18, 295:8

**Hearing** [10] - 5:1, 125:11, 127:3, 129:10, 144:13, 145:6, 145:12, 232:13, 251:3, 251:13

**HEARING** [2] - 1:1, 1:4

**hearing's** [1] - 138:8

**heart** [1] - 95:6

**Hearth** [1] - 286:15

**heavy** [1] - 84:18

**Hee** [3] - 233:18, 234:13, 236:4

**HEE** [7] - 234:14, 236:2, 236:5, 236:12, 236:16, 237:7, 237:11

**height** [1] - 270:16

**heightened** [1] - 41:5

**held** [5] - 47:5, 87:5, 169:18, 211:8, 243:15

**hello** [3] - 83:7, 191:19, 252:9

**help** [8] - 4:11, 129:15, 171:8, 171:10, 192:4, 193:14, 213:15, 273:5

**helped** [2] - 173:9, 230:6

**helpful** [8] - 20:11, 20:15, 59:3, 64:11, 75:4, 130:4, 222:8, 224:8

**helping** [1] - 238:3

**Hen** [1] - 51:9

**HENDERSON** [3] - 51:3, 51:9, 51:10

**Henderson** [1] - 51:3

**HENNESSEE** [1] - 286:12

**Hennessee** [1] - 286:12

**hereby** [2] - 294:12, 295:6

**herein** [1] - 295:8

**hereunto** [1] - 295:10

**herself** [1] - 36:8

**hesitant** [1] - 92:11

**hi** [11] - 76:10, 77:7, 79:7, 82:3, 187:4, 190:12, 194:14, 198:11, 202:13, 204:13, 262:12

Hi [1] - 207:5  
hide [1] - 270:19  
high [5] - 63:8, 73:2, 124:8, 203:18, 259:1  
higher [2] - 259:1, 270:18  
higher-end [1] - 259:1  
highlighted [1] - 13:3  
highly [1] - 112:2  
himself [2] - 124:14, 135:16  
HINES [2] - 2:12, 160:16  
Hines [2] - 160:18, 163:15  
hire [2] - 29:5, 244:16  
hired [4] - 21:12, 22:4, 68:1, 101:16  
hiring [2] - 137:17, 246:16  
history [5] - 16:1, 63:13, 66:17, 171:5, 212:16  
Hit [5] - 169:19, 171:19, 197:10, 226:15, 227:4  
hitting [1] - 132:18  
HK [3] - 2:4, 60:14, 60:17  
Hoang [3] - 279:3, 280:3, 280:11  
HOANG [2] - 280:17, 281:2  
HOBO [4] - 2:18, 2:19, 251:17, 251:17  
Hobo [9] - 252:1, 252:2, 252:18, 258:8, 260:17, 261:12, 263:9, 264:19, 265:1  
HOLCOMBE [1] - 80:10  
Holcombe [1] - 80:11  
hold [3] - 46:14, 110:18, 195:9  
holder [10] - 5:8, 7:5, 146:18, 149:5, 152:10, 158:3, 265:18, 278:19, 291:19, 292:18  
holding [3] - 16:18, 17:8, 280:5  
holds [1] - 32:4  
hole [1] - 150:17  
home [5] - 107:11, 113:13, 165:13, 199:8, 200:12  
honestly [2] - 59:8, 196:10  
honesty [1] - 194:10  
honor [1] - 192:14  
hood [1] - 37:1  
hood-related/grease-related [1] - 37:1

hook [1] - 29:2  
hooked [1] - 28:19  
hope [8] - 105:14, 108:7, 115:10, 121:1, 186:2, 186:19, 206:15, 276:16  
HOPE [18] - 7:14, 8:15, 8:16, 18:7, 18:17, 20:10, 20:14, 23:18, 37:15, 40:13, 41:11, 42:5, 43:6, 44:3, 47:11, 48:8, 48:17, 49:9  
Hope [1] - 8:15  
hoped [2] - 96:10, 98:3  
hopeful [1] - 116:9  
hopefully [3] - 73:9, 129:11, 227:13  
hopes [1] - 87:8  
hoping [5] - 91:1, 139:1, 178:17, 181:18, 258:6  
Hops [1] - 200:1  
hospitality [1] - 174:5  
hospitals [1] - 27:5  
hosted [2] - 64:14, 80:16  
hostility [1] - 229:2  
hot [2] - 16:18, 17:7  
Hotel [1] - 112:8  
hotel [3] - 112:9, 112:10  
hotter [1] - 219:3  
hour [12] - 14:14, 14:15, 68:17, 100:18, 101:9, 103:4, 137:8, 187:18, 189:2, 203:3, 268:7, 274:17  
hours [28] - 11:2, 17:16, 27:5, 55:1, 61:2, 65:16, 68:10, 87:7, 100:16, 117:19, 121:16, 135:15, 165:2, 166:17, 166:19, 190:2, 234:4, 235:12, 240:15, 241:12, 252:5, 257:13, 265:2, 274:15, 280:7, 286:2, 290:2, 291:3  
hours' [1] - 208:15  
house [7] - 42:4, 90:17, 197:4, 197:6, 256:10, 256:12, 258:11  
houses [1] - 185:9  
HU [6] - 279:5, 279:11, 281:16, 282:7, 283:1, 283:12  
Hu [2] - 279:5, 279:11  
huge [1] - 178:3  
Hugh [1] - 171:16  
hum [1] - 121:15  
humming [1] - 91:19

**hums** [1] - 92:1  
**hundred** [3] - 71:11, 71:19, 144:11  
**hung** [1] - 192:6  
**hurdles** [1] - 126:7  
**husband** [4] - 80:13, 198:17, 207:19,  
 215:19  
**HVAC** [7] - 87:17, 89:12, 89:15,  
 98:19, 101:14, 111:8, 111:10  
**Hyung** [1] - 233:18

**I**

**IAN** [2] - 217:14, 217:15  
**Ian** [1] - 217:15  
**idea** [11] - 44:9, 44:14, 95:3,  
 134:4, 142:3, 166:12, 213:11,  
 221:3, 221:10, 272:19, 284:13  
**ideally** [1] - 273:7  
**ideas** [1] - 218:8  
**identification** [1] - 246:6  
**identify** [3] - 106:14, 158:19, 226:7  
**ignored** [1] - 42:19  
**immediate** [3] - 72:1, 89:6, 208:4  
**immediately** [2] - 98:11, 99:3  
**impact** [11] - 68:6, 69:4, 80:19,  
 81:17, 90:3, 91:6, 113:9, 120:6,  
 120:8, 132:8, 132:9  
**impacted** [1] - 121:17  
**impacts** [4] - 73:6, 86:16, 117:2,  
 120:12  
**impetus** [1] - 73:11  
**implementing** [1] - 119:10  
**important** [2] - 83:16, 100:14  
**impose** [2] - 44:14, 199:9  
**impressed** [1] - 80:17  
**improve** [1] - 276:17  
**improvement** [2] - 224:17, 226:17  
**improvements** [1] - 261:17  
**impunity** [1] - 44:15  
**IN** [3] - 1:4, 295:10, 295:17  
**in-house** [1] - 258:11  
**inactive** [9] - 146:18, 147:2, 147:6,  
 148:7, 148:18, 149:5, 149:8,  
 149:18, 151:6  
**inadvertently** [1] - 42:19  
**INC** [17] - 1:18, 2:7, 2:9, 2:10,

2:13, 2:14, 3:4, 3:6, 3:9, 149:1,  
 152:5, 157:17, 164:11, 169:13,  
 278:16, 291:14, 292:13  
**Inc** [7] - 149:3, 152:8, 156:10,  
 158:1, 164:14, 169:4, 291:18  
**inception** [1] - 280:12  
**inches** [5] - 25:8, 25:9, 25:14,  
 38:15  
**incidents** [2] - 20:16, 40:5  
**inclined** [2] - 59:13, 129:9  
**include** [7] - 61:8, 106:5, 118:13,  
 170:8, 180:2, 266:1, 277:17  
**included** [1] - 89:3  
**includes** [1] - 201:8  
**including** [4] - 65:3, 176:17, 237:1,  
 237:19  
**inconsiderate** [1] - 203:4  
**inconsistent** [1] - 55:3  
**Incorporated** [5] - 162:11, 169:15,  
 211:16, 278:18, 292:16  
**incorrect** [1] - 110:7  
**increase** [7] - 73:8, 86:17, 86:19,  
 121:10, 203:1, 231:13, 235:8  
**increased** [3] - 79:19, 80:2, 197:17  
**increasing** [1] - 235:9  
**indeed** [1] - 149:17  
**independence** [1] - 137:3  
**independent** [17] - 81:14, 83:12,  
 87:16, 88:4, 91:7, 92:6, 98:13,  
 134:5, 134:6, 136:2, 137:13,  
 138:14, 138:17, 140:11, 140:18,  
 140:19, 142:3  
**independently** [5] - 133:19, 134:10,  
 136:14, 136:17, 142:19  
**INDEX** [2] - 2:1, 3:1  
**INDIA** [2] - 3:7, 291:14  
**India** [2] - 291:18, 292:2  
**indicating** [2] - 12:5, 224:13  
**indication** [1] - 113:18  
**indicator** [1] - 12:1  
**individual** [2] - 55:13, 271:7  
**individuals** [2] - 268:5, 269:14  
**indulgence** [2] - 73:14, 165:14  
**industry** [3] - 208:10, 218:1, 289:1  
**inform** [2] - 6:4, 78:17

**information** [42] - 13:9, 55:2, 55:16, 56:2, 56:18, 57:2, 57:9, 57:10, 59:10, 59:15, 69:8, 87:11, 89:19, 109:5, 109:19, 110:2, 110:5, 110:11, 110:19, 112:14, 115:12, 115:13, 115:18, 116:6, 116:7, 117:10, 122:17, 127:12, 129:2, 130:2, 131:5, 131:8, 132:4, 132:11, 132:13, 136:13, 137:10, 142:7, 142:9, 143:14, 260:3

**INFORMATIONAL** [2] - 2:3, 50:6

**informational** [3] - 5:7, 59:3, 59:14

**informed** [5] - 58:7, 86:9, 153:11, 209:7, 281:17

**informing** [1] - 58:14

**initial** [2] - 95:4, 135:6

**Inman** [20] - 76:16, 171:5, 184:7, 184:12, 185:6, 189:7, 190:14, 191:3, 191:6, 194:1, 195:14, 196:3, 199:6, 201:17, 204:18, 214:8, 217:18, 221:4, 231:4

**inputs** [2] - 95:12, 135:4

**inquired** [2] - 53:4, 53:18

**inquiry** [3] - 55:19, 57:18, 72:13

**insects** [2] - 17:1, 17:5

**inside** [2] - 180:14, 209:2

**insisting** [1] - 88:2

**inspect** [1] - 32:18

**inspected** [1] - 51:11

**inspection** [13] - 9:4, 10:14, 13:13, 14:3, 17:14, 19:5, 26:18, 29:9, 38:12, 47:15, 48:5, 49:7, 49:15

**Inspectional** [8] - 16:10, 16:12, 17:11, 17:18, 18:11, 19:3, 49:1, 49:3

**inspections** [5] - 14:1, 15:3, 32:3, 59:9, 224:5

**inspector** [2] - 25:6, 49:7

**Inspector** [1] - 17:18

**inspectors** [1] - 49:11

**install** [2] - 99:18, 256:1

**installed** [1] - 67:17

**instance** [1] - 34:17

**instead** [1] - 235:13

**instructed** [1] - 51:15

**INSTRUCTIONS** [1] - 294:2

**insulated** [1] - 210:9

**integral** [1] - 162:5

**integrity** [4] - 137:17, 192:14, 194:10, 225:14

**intended** [1] - 65:19

**intent** [1] - 240:9

**intention** [1] - 273:2

**intentionally** [1] - 42:18

**intentions** [2] - 256:19, 257:9

**interaction** [2] - 66:13, 206:4

**interest** [2] - 176:12, 204:5

**interested** [2] - 57:7, 91:4

**interesting** [2] - 123:5, 263:9

**interests** [1] - 80:19

**interference** [1] - 235:15

**interior** [8] - 71:2, 120:11, 120:16, 178:7, 235:11, 239:13, 239:16, 253:8

**internal** [2] - 65:8, 111:11

**interrupt** [3] - 86:1, 99:5, 137:6

**intersection** [1] - 62:19

**intolerable** [1] - 99:12

**intoxicated** [1] - 249:4

**introduce** [1] - 50:15

**introduced** [1] - 112:8

**investigated** [1] - 51:15

**investigation** [3] - 52:18, 53:13, 53:14

**investigator** [1] - 51:4

**Investigator** [2] - 55:4, 57:3

**invitations** [1] - 12:19

**invite** [2] - 64:17, 220:6

**invited** [1] - 193:13

**involved** [3] - 55:13, 188:11, 280:11

**Irish** [1] - 173:7

**ISD** [3] - 48:14, 48:18, 49:4

**issuance** [1] - 71:7

**issue** [37] - 16:5, 17:1, 22:6, 22:10, 40:7, 41:13, 41:14, 41:15, 41:18, 46:12, 46:15, 53:11, 73:10, 81:16, 81:19, 93:11, 93:13, 93:14, 97:19, 109:1, 113:3, 114:3, 116:3, 119:16, 125:13, 125:14, 125:15, 127:5, 129:4, 129:5, 129:12, 130:1, 139:2, 145:1, 178:13, 221:18, 222:3

**issued** [3] - 18:19, 34:9, 170:1  
**issues** [24] - 17:12, 41:17, 42:8,  
 42:11, 42:18, 59:2, 64:4, 64:10,  
 70:8, 70:9, 71:6, 81:3, 81:18,  
 84:9, 87:13, 111:1, 112:4, 113:3,  
 118:10, 119:18, 120:6, 124:4,  
 205:2, 277:4  
**item** [4] - 6:17, 6:18, 50:8, 266:11  
**items** [5] - 11:1, 15:1, 33:3, 33:14,  
 33:16  
**itself** [8] - 13:9, 25:5, 63:19,  
 73:5, 114:8, 162:5, 192:12, 193:11

J

**JACKSON** [316] - 1:7, 4:14, 5:13,  
 6:16, 7:12, 7:15, 8:1, 8:8, 8:12,  
 8:17, 9:1, 16:9, 16:16, 17:5, 18:3,  
 19:11, 23:2, 24:1, 24:4, 26:1,  
 26:7, 33:6, 45:14, 45:17, 46:1,  
 46:10, 46:19, 47:6, 47:10, 50:4,  
 50:10, 50:14, 51:2, 51:7, 54:13,  
 56:3, 58:3, 59:5, 59:17, 60:8,  
 60:12, 61:12, 73:17, 74:3, 74:6,  
 76:6, 76:11, 76:17, 77:5, 77:8,  
 77:12, 77:18, 79:5, 80:8, 82:2,  
 83:6, 84:19, 85:12, 85:19, 88:16,  
 89:1, 90:8, 93:1, 95:5, 97:14,  
 98:7, 99:5, 105:1, 105:18, 106:4,  
 106:9, 106:14, 108:11, 108:13,  
 117:4, 118:12, 120:4, 122:1, 122:4,  
 122:8, 122:12, 125:3, 127:1, 128:6,  
 129:15, 130:5, 130:12, 133:3,  
 133:12, 133:16, 139:13, 139:19,  
 144:7, 144:16, 145:2, 145:7,  
 145:11, 145:18, 146:3, 146:7,  
 146:10, 147:16, 148:1, 148:3,  
 148:11, 148:17, 149:9, 149:11,  
 149:15, 150:4, 150:11, 150:15,  
 151:2, 151:5, 151:10, 151:15,  
 151:18, 152:4, 152:13, 152:15,  
 153:1, 153:18, 154:19, 155:10,  
 155:18, 156:2, 156:5, 156:13,  
 156:17, 157:1, 157:5, 157:9,  
 157:12, 157:16, 158:9, 158:18,  
 159:15, 160:1, 160:9, 160:13,  
 161:5, 161:13, 163:6, 163:8,  
 163:11, 164:4, 164:8, 165:4, 165:7,

168:1, 168:4, 168:11, 168:15,  
 168:18, 169:8, 169:12, 170:12,  
 170:15, 171:2, 174:17, 177:11,  
 178:11, 178:19, 179:7, 179:13,  
 179:17, 180:9, 181:13, 181:16,  
 182:2, 182:9, 182:17, 183:12,  
 184:3, 184:15, 186:5, 187:2, 188:4,  
 189:16, 189:19, 190:10, 191:18,  
 193:17, 194:13, 195:9, 195:18,  
 196:18, 197:3, 198:5, 198:12,  
 198:18, 200:7, 200:15, 202:12,  
 203:12, 204:11, 204:13, 205:13,  
 207:4, 212:9, 213:3, 213:19,  
 215:11, 217:13, 218:18, 221:7,  
 222:7, 222:17, 224:6, 226:6, 228:9,  
 229:8, 229:17, 230:10, 232:4,  
 232:8, 232:11, 233:5, 233:8,  
 233:12, 234:7, 235:19, 237:14,  
 238:6, 238:10, 239:5, 239:9,  
 240:11, 240:14, 240:18, 241:3,  
 241:6, 241:16, 242:1, 242:16,  
 242:18, 243:15, 244:5, 244:9,  
 246:18, 247:7, 247:11, 247:19,  
 249:17, 250:10, 250:14, 250:17,  
 251:8, 251:12, 251:16, 252:10,  
 252:15, 253:1, 253:11, 255:17,  
 257:15, 257:18, 258:4, 259:13,  
 260:1, 260:4, 262:2, 262:5, 262:8,  
 264:13, 265:6, 265:10, 267:2,  
 268:18, 269:8, 269:19, 270:6,  
 272:10, 274:3, 274:14, 274:18,  
 275:2, 275:14, 275:18, 276:3,  
 277:15, 278:2, 278:7, 278:11,  
 278:15, 280:19, 281:3, 281:9,  
 281:13, 282:5, 282:17, 283:2,  
 284:2, 284:7, 284:12, 284:16,  
 285:7, 286:5, 287:15, 287:19,  
 288:3, 288:17, 289:15, 290:1,  
 290:6, 290:9, 290:16, 291:8,  
 291:12, 292:3, 292:6, 292:9, 293:3,  
 293:5, 293:9, 293:14

**Jackson** [1] - 5:5

**JAIME** [2] - 208:2, 212:8

**Jaime** [1] - 208:3

**JAMES** [27] - 5:15, 7:1, 50:12,  
 50:17, 54:18, 56:15, 57:1, 58:5,  
 60:13, 61:13, 62:3, 62:9, 108:17,

117:8, 118:15, 120:5, 122:11,  
122:14, 125:16, 127:4, 130:3,  
137:5, 139:10, 146:12, 147:3,  
147:14, 148:15  
**James** [5] - 5:17, 50:18, 61:14,  
73:1, 147:4  
**JAMIE** [4] - 208:3, 212:13, 213:2,  
213:5  
**January** [1] - 52:19  
**jars** [2] - 245:12, 246:5  
**JEANNE** [8] - 198:11, 198:13, 198:19,  
199:3, 200:8, 228:11, 229:9  
**Jeanne** [2] - 198:13, 228:11  
**Jeon** [1] - 149:4  
**jeopardy** [1] - 126:12  
**Jill** [2] - 295:5, 295:13  
**Jim** [3] - 87:14, 88:12, 89:3  
**jives** [1] - 196:7  
**job** [8] - 38:18, 39:1, 39:6, 40:4,  
42:7, 97:4, 193:2, 193:6  
**Joe's** [1] - 281:1  
**Joey** [1] - 171:11  
**John** [2] - 158:2, 203:17  
**JOSEPH** [5] - 191:19, 192:2, 193:18,  
212:6, 213:1  
**Joseph** [1] - 192:1  
**joy** [2] - 39:4, 44:8  
**judgment** [2] - 127:18, 128:5  
**judgments** [1] - 137:4  
**July** [20] - 9:4, 10:14, 14:3, 14:16,  
15:11, 41:1, 41:18, 49:13, 69:18,  
86:8, 86:10, 87:13, 94:7, 95:13,  
95:14, 95:16, 96:2, 109:13, 109:15,  
110:6  
**June** [1] - 64:15

**K**

**K-O-U-R-T-I-D-I-S** [1] - 186:8  
**KA** [2] - 2:7, 149:1  
**Kappa** [1] - 242:8  
**KAPPA** [2] - 2:17, 242:5  
**Kaya** [3] - 149:3, 149:4, 149:16  
**KAYA** [4] - 2:7, 2:8, 149:1  
**Kaya-Ka** [2] - 149:3, 149:16  
**KAYA-KA** [2] - 2:7, 149:1

**keep** [10] - 4:18, 40:9, 75:1, 78:5,  
88:15, 127:12, 224:19, 245:16,  
273:7, 275:12  
**keeping** [3] - 40:4, 176:16, 258:14  
**keeps** [1] - 193:12  
**kept** [1] - 153:7  
**Kevin** [14] - 169:15, 170:13, 184:8,  
186:16, 190:17, 192:4, 192:6,  
193:7, 203:16, 204:16, 205:2,  
205:5, 205:8, 215:17  
**KEVIN** [38] - 170:13, 170:17, 171:4,  
175:5, 176:16, 177:14, 178:3,  
178:9, 178:15, 179:4, 179:10,  
179:14, 180:5, 180:15, 181:3,  
181:8, 181:12, 181:18, 182:14,  
182:19, 183:3, 183:6, 183:9, 219:3,  
222:1, 222:16, 223:5, 223:9,  
223:14, 224:2, 224:10, 226:18,  
229:18, 231:3, 231:17, 232:3,  
233:3, 233:14  
**Kevin's** [2] - 191:16, 204:19  
**key** [1] - 87:13  
**KH** [6] - 2:15, 233:15, 233:17,  
234:9, 234:15, 241:10  
**kids** [3] - 199:12, 199:17, 220:16  
**KIMCHI** [2] - 2:16, 233:15  
**Kimchi** [2] - 233:18, 241:11  
**kind** [6] - 91:1, 118:1, 198:4,  
226:16, 273:17, 287:3  
**kind've** [4] - 196:9, 217:2, 263:2,  
263:7  
**kinda** [2] - 197:15, 264:8  
**kinds** [1] - 185:16  
**King** [2] - 234:17, 235:16  
**Kitchen** [2] - 233:18, 241:11  
**kitchen** [25] - 52:12, 55:14, 65:3,  
67:7, 70:18, 70:19, 111:14, 121:17,  
167:7, 167:11, 167:14, 177:18,  
223:3, 223:5, 223:8, 223:10,  
223:11, 236:18, 239:14, 257:3,  
257:10, 257:12, 257:16, 257:17,  
287:2  
**KITCHEN** [2] - 2:16, 233:15  
**knowing** [1] - 229:5  
**knowledge** [4] - 18:2, 27:2, 119:4  
**known** [4] - 63:18, 184:8, 190:17,

203:15

**Korean** [2] - 235:7, 239:16

**Kostas** [1] - 159:8

**KOSTAS** [1] - 159:8

**Kourafas** [2] - 295:5, 295:13

**KOURTIDIS** [1] - 186:7

**Kourtidis** [1] - 186:8

**Kristin** [1] - 17:18

**Kyung** [2] - 234:13, 236:4

**KYUNG** [7] - 234:13, 236:2, 236:4,  
236:12, 236:16, 237:7, 237:11

L

**L-E-E-D** [1] - 202:14

**L-E-S-S-E-R** [1] - 130:13

**lab** [7] - 64:6, 93:15, 98:18, 98:19,  
99:9, 102:17

**lab-style** [1] - 64:6

**lack** [2] - 208:8, 213:14

**laid** [1] - 272:2

**lamppost** [1] - 273:14

**Landing** [16] - 171:14, 173:5,  
173:10, 192:11, 203:6, 209:11,  
209:13, 209:17, 218:13, 229:6,  
229:10, 229:19, 230:5, 230:7,  
230:18, 263:14

**landlord** [11] - 113:1, 115:16,  
123:3, 127:8, 127:15, 129:19,  
175:17, 256:17, 260:13, 262:14,  
268:12

**Lanigan** [3] - 252:2, 252:19, 259:18

**large** [10] - 131:13, 209:3, 238:1,  
253:8, 255:9, 256:2, 256:6, 259:7,  
283:18

**largely** [3] - 64:6, 64:18, 214:9

**larger** [3] - 89:5, 237:18, 282:12

**last** [46] - 6:3, 8:3, 8:11, 8:14,  
19:4, 23:4, 24:16, 31:7, 33:11,  
42:8, 47:13, 50:16, 51:8, 51:10,  
58:1, 58:9, 62:4, 64:8, 76:13,  
77:10, 82:19, 85:8, 90:12, 129:3,  
139:18, 149:12, 152:17, 159:1,  
161:9, 165:8, 173:6, 184:4, 186:13,  
214:15, 219:7, 229:1, 236:5,  
237:17, 243:1, 252:12, 270:2,  
279:9, 279:12, 286:7, 286:9

**lasted** [1] - 13:17

**late** [11] - 64:15, 78:8, 84:11,  
174:8, 181:9, 185:5, 185:15, 201:7,  
201:18, 203:9, 229:1

**latest** [2] - 114:5, 211:1

**Latin** [1] - 194:7

**latter** [1] - 162:3

**law** [2] - 39:5, 103:1

**laws** [1] - 39:6

**lay** [1] - 97:12

**layout** [2] - 253:18, 272:3

**lead** [1] - 57:10

**learned** [7] - 93:19, 94:8, 94:10,  
103:14, 117:13, 117:15, 118:5

**lease** [9] - 122:16, 125:19, 126:3,  
126:4, 127:16, 129:6, 165:18,  
240:3, 240:8

**leased** [3] - 255:14, 255:15, 262:19

**least** [14] - 9:18, 16:2, 57:14,  
59:8, 115:18, 132:3, 133:8, 137:14,  
138:10, 144:18, 173:9, 213:9,  
222:13, 232:19

**leave** [10] - 16:6, 27:7, 107:11,  
185:15, 189:16, 207:15, 219:12,  
225:9, 228:6, 228:7

**leaving** [1] - 11:8

**Lechmere** [1] - 263:3

**led** [1] - 137:19

**Lee** [2] - 71:17, 217:16

**LEED** [1] - 202:13

**Leed** [1] - 202:14

**leery** [1] - 141:19

**Leese** [1] - 285:15

**left** [11] - 11:2, 26:13, 27:6,  
27:17, 30:14, 107:10, 159:6, 168:8,  
189:1, 193:19, 227:5

**Legal** [1] - 172:7

**legal** [2] - 86:14, 86:19

**legitimate** [1] - 66:19

**lend** [1] - 276:19

**LESLEY** [9] - 266:3, 266:5, 267:3,  
269:2, 269:10, 272:16, 273:3,  
274:12, 274:16

**Lesley** [1] - 266:4

**less** [10] - 65:16, 75:2, 84:5, 96:1,  
120:13, 124:13, 135:15, 183:16,

235:15, 253:16

**Lesser** [8] - 62:15, 67:9, 109:13,  
110:14, 118:2, 130:8, 130:10,  
138:19

**LESSER** [3] - 130:8, 130:10, 130:13

**letter** [10] - 129:17, 160:15,  
198:17, 202:15, 214:4, 240:8,  
260:9, 260:13, 260:15, 268:11

**letters** [5] - 116:12, 116:13,  
174:18, 260:8, 276:8

**level** [23] - 39:2, 57:17, 61:10,  
71:3, 73:2, 86:14, 98:15, 101:10,  
124:8, 135:8, 135:19, 136:4,  
170:10, 181:2, 187:17, 210:8,  
213:17, 215:5, 222:2, 231:16,  
235:5, 238:19, 239:2

**Lexington** [1] - 289:13

**LICENSE** [3] - 1:1, 1:4, 1:6

**License** [11] - 5:1, 7:6, 7:7, 18:19,  
49:3, 51:13, 89:18, 90:2, 90:5,  
99:12, 295:14

**license** [80] - 5:9, 40:7, 55:10,  
56:10, 61:1, 61:8, 70:16, 71:7,  
72:10, 72:12, 77:2, 100:17, 103:11,  
104:8, 123:8, 125:1, 126:1, 146:19,  
147:2, 148:8, 149:6, 149:18,  
152:10, 158:4, 160:19, 161:4,  
163:16, 163:19, 164:17, 166:3,  
169:3, 169:17, 170:1, 170:8, 185:2,  
187:16, 189:7, 190:19, 193:9,  
196:6, 196:9, 200:4, 202:16,  
210:11, 211:8, 211:18, 213:17,  
230:15, 231:7, 231:9, 231:11,  
231:15, 232:2, 233:19, 234:1,  
235:3, 235:4, 240:6, 241:10, 252:4,  
265:19, 279:1, 281:4, 281:6, 281:7,  
281:18, 282:8, 282:11, 282:16,  
283:3, 283:4, 285:17, 285:18,  
287:9, 291:1, 292:1, 292:19

**licensed** [1] - 266:16

**licensee** [2] - 45:10, 103:2

**licenses** [1] - 210:19

**Licensing** [3] - 51:4, 210:14, 211:19

**licensing** [1] - 76:4

**Lieutenant** [1] - 162:12

**life** [2] - 91:12, 162:14

**light** [1] - 27:12

**lighting** [1] - 273:15

**lights** [4] - 99:1, 107:10, 263:18,  
273:19

**likely** [1] - 201:13

**limit** [2] - 86:14, 87:1

**limitations** [1] - 112:19

**limited** [2] - 55:6, 202:2

**limits** [1] - 114:11

**line** [14] - 12:18, 34:3, 34:4, 54:7,  
134:10, 212:16, 220:5, 223:10,  
223:12, 224:3, 249:13, 249:14,  
261:1, 268:8

**LINE** [1] - 294:4

**Line** [2] - 254:19, 263:4

**lines** [3] - 100:6, 100:10, 211:8

**link** [1] - 197:7

**Lint** [6] - 24:12, 86:9, 145:15,  
153:11, 284:8, 285:1

**LINT** [62] - 1:10, 4:4, 4:16, 7:3,  
16:14, 18:1, 47:4, 47:8, 50:7,  
60:16, 106:7, 145:16, 146:15,  
149:2, 151:16, 151:19, 152:7,  
154:1, 155:3, 157:19, 158:11,  
160:14, 160:17, 163:2, 164:13,  
169:14, 182:12, 183:1, 183:4,  
183:7, 233:16, 238:8, 238:18,  
239:3, 240:7, 242:7, 244:7, 251:19,  
254:1, 254:6, 254:10, 256:15,  
258:1, 259:17, 260:2, 260:6,  
265:15, 276:7, 278:4, 278:17,  
281:5, 281:11, 282:14, 283:7,  
284:11, 285:13, 287:10, 288:5,  
288:14, 291:16, 292:5, 292:15

**Lint's** [1] - 201:4

**liquor** [2] - 126:1, 200:4

**list** [4] - 33:14, 88:13, 182:15,  
219:12

**listen** [4] - 69:12, 98:19, 204:8,  
206:16

**listening** [1] - 206:2

**listens** [1] - 107:15

**literally** [1] - 257:4

**live** [42] - 64:18, 75:10, 75:11,  
76:15, 77:15, 78:2, 79:13, 80:11,  
81:5, 82:5, 83:8, 85:16, 86:15,

90:16, 93:11, 97:18, 113:4, 115:1,  
170:8, 176:5, 177:12, 178:12,  
179:2, 180:2, 180:12, 184:18,  
187:6, 187:7, 188:9, 190:13,  
193:18, 194:4, 194:15, 198:15,  
201:1, 204:17, 205:16, 207:7,  
209:12, 222:1, 230:16

**lived** [9] - 75:12, 82:5, 82:8,  
91:11, 171:7, 184:19, 190:7, 194:2,  
214:3

**lives** [2] - 81:17, 132:7

**living** [5] - 76:1, 82:14, 185:11,  
201:2, 207:12

**LLC** [33] - 2:2, 2:3, 2:4, 2:6, 2:15,  
2:18, 3:2, 3:5, 5:8, 7:2, 7:4,  
50:6, 51:1, 60:14, 60:18, 146:13,  
146:16, 160:18, 163:16, 169:18,  
233:15, 233:17, 234:9, 241:10,  
251:17, 252:1, 264:19, 265:13,  
265:16, 277:18, 285:11, 285:14,  
291:2

**loading** [3] - 66:6, 66:7, 120:16

**local** [4] - 208:12, 245:14, 263:5,  
263:10

**locate** [2] - 178:2, 288:8

**located** [7] - 15:7, 65:4, 66:6,  
111:15, 115:6, 277:8, 286:16

**locating** [1] - 114:7

**location** [38] - 61:18, 63:7, 63:10,  
63:16, 65:2, 67:17, 67:19, 71:1,  
82:15, 120:10, 120:18, 123:19,  
124:13, 125:2, 126:2, 149:19,  
166:6, 167:7, 167:12, 171:18,  
187:11, 220:8, 226:11, 229:14,  
231:10, 232:1, 237:2, 253:12,  
258:13, 260:12, 275:8, 276:16,  
277:5, 277:8, 280:13, 280:15,  
280:17, 286:19

**locations** [5] - 69:7, 186:19, 231:9,  
237:3, 289:10

**loiters** [1] - 187:14

**Lombardi** [2] - 1:12, 5:3

**London** [1] - 175:10

**LONE** [2] - 3:3, 265:13

**Lone** [3] - 265:17, 276:10, 277:18

**long-term** [1] - 73:11

**longstanding** [2] - 111:5, 260:17

**look** [20] - 37:7, 50:3, 77:2, 80:13,  
81:9, 97:5, 100:15, 104:6, 119:11,  
133:18, 134:10, 141:9, 209:11,  
211:16, 214:19, 216:11, 222:14,  
224:16, 251:4, 271:15

**looked** [5] - 81:14, 139:17, 140:6,  
227:17, 256:11

**looking** [17] - 28:14, 72:12, 122:15,  
130:1, 150:11, 166:2, 191:1, 196:2,  
210:13, 212:15, 215:7, 220:16,  
225:13, 234:16, 259:2, 284:13,  
292:3

**looks** [3] - 44:6, 96:11, 258:18

**looming** [1] - 126:4

**loop** [1] - 88:15

**LORD** [4] - 2:18, 2:19, 251:17,  
251:17

**Lord** [9] - 252:1, 252:2, 252:18,  
258:8, 260:17, 261:12, 263:9,  
264:19, 265:1

**loss** [2] - 44:11, 44:16

**lost** [1] - 88:18

**loud** [3] - 108:2, 185:4, 203:8

**louder** [2] - 121:5, 200:12

**Lounge** [2] - 185:18, 188:12

**love** [3] - 200:8, 213:12, 220:19

**low** [3] - 94:3, 94:11, 94:12

**lower** [4] - 124:3, 181:17, 258:15,  
270:19

**Ls** [1] - 93:7

**luck** [1] - 242:3

**lucked** [1] - 275:3

**lunch** [2] - 235:16, 257:13

**Lynn** [1] - 159:5

## M

**M-A-C-N-E-I-L** [1] - 82:4

**M-A-T-E-U-S** [2] - 207:6, 208:3

**M-A-T-H-E-W-S** [1] - 8:11

**M-c-C-A-B-E** [1] - 192:2

**M-c-C-A-L-L-U-M** [1] - 204:15

**M-C-D-O-N-O-U-G-H** [1] - 79:13

**M-E-J-U** [1] - 236:13

**M-I-C-H-A-E-L-S** [1] - 201:1

**M-O-O-R-E** [1] - 152:19  
**ma'am** [1] - 275:1  
**machine/CD/computerized** [1] - 61:9  
**MACNEIL** [1] - 82:3  
**MacNeil** [1] - 82:4  
**Madam** [12] - 5:15, 47:11, 50:17, 61:13, 62:3, 108:18, 137:5, 147:3, 191:19, 219:5, 266:4, 266:14  
**madam** [1] - 128:19  
**MADURA** [2] - 2:2, 7:2  
**Madura** [1] - 7:4  
**Magazine** [1] - 173:6  
**mail** [2] - 183:11, 198:9  
**main** [7] - 172:14, 208:17, 224:18, 225:11, 227:10, 228:1, 258:12  
**maintain** [2] - 15:8, 15:19  
**maintained** [1] - 270:13  
**maintaining** [1] - 124:9  
**major** [4] - 81:4, 214:4, 235:10, 270:10  
**Malden** [1] - 171:16  
**malfunctioning** [3] - 22:17, 23:8, 37:10  
**Mall** [1] - 280:18  
**mall** [3] - 263:6, 280:18  
**malt** [3] - 158:3, 252:3, 279:1  
**man** [2] - 140:10, 194:9  
**manage** [4] - 115:8, 209:19, 238:3, 272:17  
**managed** [1] - 237:2  
**management** [5] - 45:8, 52:11, 65:13, 107:15, 274:8  
**manager** [32] - 5:8, 5:19, 54:12, 54:15, 55:1, 55:9, 59:12, 60:19, 146:18, 149:5, 152:9, 158:3, 158:5, 158:13, 158:16, 159:11, 164:16, 169:16, 192:7, 233:18, 252:3, 252:17, 259:14, 259:18, 265:18, 278:19, 279:2, 279:14, 280:4, 285:16, 289:19, 292:18  
**Manager** [1] - 7:5  
**managers/directors** [1] - 153:10  
**manner** [1] - 71:1  
**March** [1] - 242:15  
**marginally** [1] - 100:7

**MARILYN** [4] - 97:16, 98:9, 99:11, 105:4  
**Marilyn** [1] - 97:17  
**mark** [1] - 246:6  
**market** [1] - 217:19  
**marketing** [1] - 238:4  
**married** [1] - 191:12  
**Mart** [3] - 237:1, 237:8, 237:10  
**masquerading** [1] - 207:2  
**Mass** [27] - 9:10, 62:18, 62:19, 64:1, 66:8, 66:9, 66:12, 75:14, 76:5, 79:13, 79:14, 86:13, 86:18, 87:4, 89:13, 89:15, 90:17, 107:8, 107:15, 120:15, 123:13, 124:1, 150:1, 150:9, 154:12, 206:3, 291:2  
**MASSACHUSETTS** [2] - 3:5, 285:11  
**Massachusetts** [16] - 1:13, 1:13, 5:3, 7:7, 61:2, 63:1, 80:13, 81:3, 124:2, 149:7, 152:11, 285:14, 285:17, 286:16, 295:3, 295:6  
**master** [1] - 256:7  
**mastered** [1] - 141:7  
**mastering** [1] - 143:9  
**material** [5] - 97:8, 133:18, 141:6, 143:10, 271:16  
**materials** [3] - 174:3, 211:5, 225:9  
**MATEUS** [6] - 207:5, 208:2, 212:8, 212:13, 213:2, 213:5  
**Mateus** [2] - 207:6, 208:3  
**MATHEWS** [31] - 7:19, 8:4, 8:10, 18:15, 19:7, 19:13, 19:16, 20:2, 20:7, 21:3, 22:3, 22:9, 23:7, 23:19, 24:2, 24:6, 26:3, 26:9, 37:3, 37:13, 37:16, 38:4, 38:8, 38:10, 38:13, 38:17, 39:16, 45:4, 47:13, 48:4, 49:17  
**Mathews** [21] - 8:4, 8:11, 10:19, 14:7, 14:9, 16:3, 18:8, 18:12, 19:1, 19:6, 20:15, 21:1, 23:4, 31:18, 32:2, 33:13, 35:18, 36:8, 37:2, 42:13, 49:10  
**Matromore** [1] - 211:16  
**matter** [33] - 5:7, 46:3, 56:7, 59:16, 59:19, 64:10, 85:4, 87:10, 91:2, 129:7, 129:17, 132:19, 133:1, 145:5, 145:12, 148:5, 156:7, 160:3,

161:6, 163:13, 169:1, 200:17,  
219:1, 220:15, 241:8, 250:19,  
251:2, 262:10, 264:7, 264:15,  
276:5, 285:1, 290:18

**matters** [1] - 127:8

**MATTERS** [2] - 2:1, 3:1

**MAUREEN** [6] - 76:10, 76:14, 76:15,  
76:18, 190:12, 190:13

**Maureen** [2] - 76:14, 190:12

**Max** [1] - 266:9

**mayor** [2] - 193:2, 193:13

**McCabe** [3] - 171:12, 192:2, 203:17

**MCCABE** [4] - 191:19, 193:18, 212:6,  
213:1

**MCCALLUM** [2] - 204:12, 204:14

**McCallum** [1] - 204:14

**McDermott** [1] - 266:6

**MCDONOUGH** [2] - 79:7, 79:12

**McDonough** [1] - 79:8

**McGoon** [1] - 195:16

**ME** [1] - 17:4

**mean** [23] - 22:7, 38:18, 42:1, 45:6,  
48:13, 70:7, 78:7, 86:1, 117:7,  
128:6, 130:17, 137:6, 137:7,  
137:16, 188:17, 197:12, 205:2,  
214:13, 221:17, 222:7, 226:9,  
250:7, 269:11

**meaningful** [1] - 226:17

**means** [3] - 101:2, 210:3, 216:5

**meant** [5] - 103:13, 104:15, 215:2,  
215:5, 226:5

**measurements** [1] - 68:3

**measures** [2] - 125:5, 209:15

**mechanical** [5] - 64:2, 66:18, 68:4,  
112:13, 116:16

**media** [2] - 61:9, 208:15

**medical** [1] - 36:12

**meet** [12] - 77:3, 117:9, 132:3,  
186:16, 191:14, 219:16, 220:7,  
228:14, 232:14, 248:12, 253:19,  
285:2

**meeting** [28] - 4:10, 4:13, 4:17,  
64:14, 65:14, 67:5, 69:9, 78:4,  
78:15, 80:15, 80:16, 83:9, 86:7,  
87:14, 95:13, 95:19, 96:2, 104:17,  
109:13, 112:15, 114:6, 114:13,

153:13, 159:14, 208:14, 210:16,  
231:14, 233:1

**meetings** [2] - 64:13, 78:17

**MEIHUEI** [7] - 279:5, 279:11, 279:12,  
281:16, 282:7, 283:1, 283:12

**Meihuei** [2] - 279:5, 279:11

**Meju** [2] - 236:9, 236:12

**MEMBER** [1] - 120:2

**member** [6] - 128:8, 204:1, 204:5,  
205:4, 260:18, 272:17

**Members** [2] - 5:16, 50:18

**members** [14] - 46:2, 59:18, 73:15,  
148:4, 156:6, 160:2, 163:12,  
168:19, 241:7, 250:18, 262:9,  
276:4, 284:17, 290:17

**MEMBERS** [1] - 1:6

**memo** [8] - 18:19, 109:7, 109:12,  
110:8, 110:9, 121:4, 132:7, 138:5

**Memorial** [1] - 243:17

**memory** [2] - 58:14, 123:2

**memos** [1] - 105:6

**mention** [5] - 21:8, 21:16, 22:11,  
30:3, 33:12

**mentioned** [9] - 25:13, 30:1, 31:3,  
31:5, 33:3, 37:3, 109:6, 209:10,  
238:11

**mentions** [1] - 13:2

**menu** [12] - 72:15, 168:5, 168:7,  
168:8, 172:17, 174:8, 181:9,  
236:17, 255:18, 258:2, 280:8

**menus** [1] - 63:12

**Merchant** [9] - 171:17, 172:7, 174:9,  
219:8, 220:9, 221:2, 225:16, 230:9,  
230:15

**merely** [1] - 126:17

**mess** [1] - 125:13

**message** [5] - 26:13, 26:14, 27:6,  
27:7, 27:17

**messages** [1] - 30:14

**met** [10] - 99:16, 117:1, 123:2,  
192:3, 192:5, 194:5, 215:17, 216:1,  
263:13, 267:16

**metal** [2] - 271:17

**metaphor** [1] - 121:13

**method** [1] - 134:12

**Michael** [5] - 1:12, 5:3, 60:19,

- 61:16, 82:9
- MICHAEL** [5] - 125:18, 132:18, 184:1, 184:6
- MICHAELS** [1] - 200:18
- Michaels** [1] - 200:19
- Michal** [1] - 184:1
- microbrewery** [2] - 260:11, 260:16
- mid** [3] - 52:19, 63:1, 86:8
- mid-Cambridge** [1] - 63:1
- mid-January** [1] - 52:19
- mid-July** [1] - 86:8
- middle** [1] - 103:10
- midnight** [3] - 68:14, 75:3, 210:4
- midst** [1] - 255:14
- might** [19] - 40:13, 57:19, 59:14, 69:18, 73:10, 73:15, 85:10, 110:4, 128:2, 130:3, 133:1, 168:9, 173:3, 177:15, 193:3, 207:1, 208:13, 213:11, 228:13
- mile** [1] - 124:13
- Miller** [1] - 266:6
- mind** [3] - 19:10, 184:10, 254:11
- mindful** [3] - 55:8, 71:6, 86:4
- mine** [1] - 134:8
- minimal** [1] - 100:12
- minimize** [1] - 70:7
- minimum** [2] - 38:15, 104:4
- minor** [4] - 39:9, 212:4, 212:18, 239:16
- minute** [4] - 95:6, 133:7, 142:15, 157:2
- minutes** [7] - 32:7, 75:2, 86:4, 105:3, 135:11, 135:13, 183:16
- MIP** [4] - 2:12, 160:16, 160:18, 163:15
- miscommunication** [1] - 26:6
- missed** [1] - 49:19
- missing** [6] - 40:16, 139:15, 140:1, 140:5, 142:14, 143:11
- mistake** [1] - 89:16
- mistakes** [1] - 89:16
- mistrust** [1] - 138:2
- misunderstood** [1] - 21:7
- MIT** [17] - 2:17, 242:5, 242:9, 243:18, 244:1, 244:6, 244:8, 244:15, 247:16, 248:1, 248:5, 248:16, 249:9, 249:16, 249:18, 250:5, 251:5
- mitigate** [2] - 128:12, 128:16
- mitigated** [1] - 111:18
- mitigates** [1] - 68:5
- mitigating** [1] - 42:14
- mix** [2] - 64:5, 122:19
- model** [2] - 142:15, 253:7
- modern** [4] - 172:5, 172:17, 177:8, 225:12
- modest** [1] - 271:11
- modifications** [3] - 239:11, 240:12, 267:18
- Mohan** [1] - 291:17
- MOHAN** [2] - 3:6, 291:14
- molding** [1] - 225:5
- moment** [6] - 5:19, 6:5, 64:16, 69:15, 109:3, 139:5
- Monday** [5] - 61:3, 110:11, 138:6, 138:8, 252:6
- money** [3] - 225:19, 245:5, 245:7
- MONICA** [1] - 106:19
- Monica** [4] - 104:16, 106:19, 107:2, 108:9
- monitor** [1] - 248:4
- monitoring** [1] - 116:1
- month** [8] - 24:16, 125:12, 144:13, 217:2, 221:12, 232:13, 251:14
- months** [14] - 5:11, 12:14, 16:3, 43:4, 47:10, 94:8, 99:18, 147:8, 150:19, 153:13, 154:15, 155:17, 217:4, 273:10
- MOORE** [8] - 152:14, 152:18, 153:3, 154:7, 155:8, 155:12, 155:15, 156:19
- Moore** [3] - 152:9, 152:19, 155:14
- morning** [10] - 9:6, 100:9, 115:4, 176:8, 196:11, 197:4, 209:15, 235:13, 235:14, 288:9
- mornings** [1] - 209:14
- most** [13] - 34:1, 42:8, 54:19, 69:2, 98:11, 99:2, 102:16, 191:7, 195:4, 216:4, 223:9, 223:19, 236:17
- mostly** [2] - 247:13, 247:16
- motion** [28] - 46:12, 46:17, 60:2,

60:6, 145:3, 145:5, 148:6, 151:5,  
156:8, 157:1, 157:9, 160:4, 163:14,  
169:2, 232:12, 233:6, 241:9, 251:2,  
264:17, 264:18, 276:6, 277:15,  
278:8, 284:19, 285:5, 290:19,  
292:4, 293:10

**motion's** [1] - 146:3

**motives** [1] - 137:9

**motor** [1] - 65:10

**move** [12] - 57:16, 59:15, 85:2,  
92:14, 121:6, 177:15, 177:17,  
178:2, 223:6, 226:10, 227:3, 293:3

**moved** [3] - 171:8, 223:3, 292:6

**moving** [2] - 223:2, 290:11

**MU** [2] - 2:17, 242:5

**Mu** [1] - 242:8

**multiple** [3] - 15:3, 40:15, 189:5

**municipality** [1] - 124:12

**music** [12] - 123:8, 170:8, 170:9,  
176:5, 180:13, 181:1, 202:8,  
206:10, 207:17, 230:16, 235:5

**must** [2] - 35:3, 246:5

**mystifying** [1] - 139:3

**N**

**N-E-E-L** [1] - 184:18

**name** [100] - 5:17, 8:2, 8:3, 8:11,  
8:13, 8:14, 13:4, 24:15, 33:11,  
50:16, 51:6, 51:8, 51:9, 51:10,  
51:18, 53:3, 75:6, 75:8, 75:9,  
76:12, 76:13, 77:9, 77:10, 79:7,  
79:11, 80:10, 82:3, 83:7, 85:7,  
85:8, 85:14, 90:11, 90:12, 90:13,  
90:14, 97:17, 106:16, 107:2, 130:6,  
137:12, 140:8, 149:12, 152:16,  
152:17, 159:1, 159:3, 161:8, 161:9,  
165:5, 165:8, 170:16, 184:2, 184:4,  
184:17, 186:7, 190:12, 192:1,  
200:18, 202:13, 203:13, 205:15,  
207:5, 208:2, 214:1, 215:13,  
217:14, 228:10, 230:11, 234:11,  
236:4, 236:5, 236:10, 237:15,  
237:16, 237:17, 242:19, 243:1,  
252:11, 252:12, 270:1, 270:2,  
270:3, 279:5, 279:9, 279:12,  
283:17, 283:18, 286:6, 286:7, 286:9

**named** [1] - 33:10

**names** [3] - 88:13, 89:4, 216:1

**Nang** [1] - 279:3

**narrow** [1] - 44:12

**narrowing** [1] - 139:2

**NATHAN** [2] - 184:17, 184:18

**Nathan** [1] - 184:17

**national** [1] - 243:7

**nature** [2] - 124:11, 243:14

**near** [2] - 207:12, 218:4

**nearest** [1] - 177:17

**nearly** [1] - 120:14

**necessarily** [3] - 134:13, 196:7,  
222:9

**necessary** [2] - 70:4, 128:12

**need** [33] - 25:13, 39:6, 43:14,  
47:14, 62:9, 95:11, 96:15, 101:16,  
103:7, 130:6, 135:15, 139:19,  
142:5, 144:8, 153:15, 154:4, 154:5,  
155:4, 174:7, 178:17, 187:12,  
189:10, 195:14, 198:19, 205:5,  
210:11, 213:13, 216:12, 248:11,  
254:9, 256:11, 258:3, 263:4

**needed** [12] - 13:13, 13:14, 13:15,  
15:1, 47:18, 48:6, 95:12, 99:18,  
116:3, 221:6, 239:4

**needle** [1] - 121:6

**needless** [1] - 79:17

**needs** [9] - 38:14, 51:5, 128:2,  
141:9, 144:1, 153:10, 184:12,  
189:8, 224:5

**NEEL** [1] - 184:17

**Neel** [1] - 184:17

**negatively** [1] - 90:3

**negligence** [3] - 40:19, 41:3, 41:9

**negligible** [1] - 196:12

**negotiating** [2] - 247:4, 253:15

**neighbor** [4] - 78:15, 104:14, 133:6,  
133:7

**neighborhood** [49] - 65:13, 71:13,  
72:4, 73:4, 75:16, 76:1, 77:4,  
80:7, 82:13, 83:5, 84:8, 84:18,  
89:7, 98:5, 102:17, 107:7, 125:7,  
129:13, 172:1, 172:3, 173:2,  
173:15, 173:19, 175:4, 176:10,  
176:11, 176:13, 178:14, 182:4,

184:11, 184:14, 185:14, 190:5,  
194:5, 196:16, 197:9, 199:11,  
199:12, 199:19, 205:4, 205:6,  
206:11, 214:7, 216:7, 218:17,  
226:3, 228:18, 277:10, 277:14

**neighborhood's** [2] - 108:6, 219:6

**neighbors** [53] - 66:16, 67:6, 69:10,  
69:19, 70:8, 72:2, 72:6, 73:12,  
80:4, 80:19, 81:1, 81:8, 81:11,  
86:6, 98:1, 104:13, 110:18, 113:15,  
113:19, 114:6, 117:10, 118:11,  
119:14, 120:9, 128:13, 130:17,  
132:13, 133:4, 174:19, 182:5,  
182:11, 183:17, 191:10, 202:9,  
204:4, 204:8, 205:17, 206:14,  
206:17, 207:8, 207:18, 219:16,  
219:18, 222:9, 222:11, 224:8,  
228:14, 232:15, 233:2, 261:8,  
275:5, 275:8

**neighbors'** [1] - 128:14

**never** [15] - 5:11, 26:4, 27:6,  
27:18, 30:1, 41:9, 56:9, 86:8,  
92:16, 96:5, 116:8, 144:5, 205:1,  
229:8, 254:11

**nevertheless** [1] - 51:18

**New** [3] - 5:10, 158:5, 177:9

**new** [60] - 6:4, 6:11, 35:18, 51:17,  
52:6, 52:11, 53:2, 53:17, 56:6,  
56:18, 60:19, 86:18, 90:2, 94:5,  
101:3, 101:10, 104:18, 111:13,  
123:5, 149:19, 150:9, 154:12,  
158:7, 167:6, 172:10, 172:11,  
172:13, 174:1, 187:10, 199:18,  
210:18, 220:4, 220:8, 222:4,  
223:12, 224:12, 225:4, 236:7,  
252:3, 253:12, 256:9, 258:13,  
259:6, 263:1, 263:9, 279:3, 279:4,  
280:2, 280:4, 281:7, 281:15, 282:2,  
282:6, 282:11, 282:16, 283:3,  
283:9, 284:1, 289:5

**new/owner** [1] - 54:12

**newest** [1] - 172:8

**newspapers** [1] - 24:12

**next** [18] - 11:14, 11:16, 76:8,  
79:6, 90:19, 103:8, 159:14, 160:15,  
186:6, 187:19, 198:4, 207:19,  
217:9, 231:1, 250:8, 280:3, 280:16

**nice** [9] - 92:13, 123:8, 200:10,  
200:11, 216:8, 218:4, 221:5, 225:17

**NICHOLAS** [23] - 252:9, 252:13,  
252:14, 252:17, 253:3, 253:13,  
254:4, 254:8, 254:16, 255:5, 255:8,  
255:12, 256:2, 257:1, 257:4, 257:8,  
257:11, 257:17, 258:2, 258:6,  
259:15, 259:19, 265:12

**nicholas** [1] - 252:13

**night** [22] - 35:19, 36:13, 63:17,  
78:9, 84:11, 102:19, 103:9, 103:10,  
107:10, 107:12, 172:19, 174:8,  
174:10, 181:9, 185:5, 185:15,  
188:17, 201:18, 203:9, 225:3, 243:7

**Night** [3] - 185:18, 188:12, 190:9

**nightclub** [2] - 218:8, 218:14

**nights** [1] - 242:15

**nine** [2] - 33:17, 271:7

**no-value** [3] - 71:7, 281:3, 281:6

**nobody** [12] - 14:6, 22:17, 24:3,  
30:14, 30:17, 31:2, 31:4, 31:8,  
31:9, 270:17, 270:19

**noise** [75] - 68:3, 68:6, 68:16,  
69:4, 70:17, 78:8, 79:3, 81:3,  
81:7, 81:16, 84:4, 84:10, 86:14,  
86:16, 86:18, 87:17, 88:10, 89:8,  
89:10, 89:13, 91:6, 91:13, 91:19,  
93:13, 93:19, 94:3, 94:6, 94:12,  
97:12, 98:15, 99:10, 99:13, 100:3,  
100:11, 101:8, 102:14, 102:18,  
104:1, 107:9, 111:2, 111:13,  
114:11, 114:12, 114:14, 115:8,  
116:18, 117:2, 117:16, 128:12,  
175:4, 175:5, 176:2, 178:13,  
187:17, 188:18, 189:1, 197:11,  
197:17, 199:6, 201:7, 201:8, 202:7,  
202:18, 203:1, 207:11, 207:14,  
208:17, 208:19, 209:2, 209:9,  
209:16, 210:7, 210:9, 210:12,  
229:14

**noises** [1] - 111:17

**noisy** [4] - 84:13, 199:8, 201:13,  
209:15

**nonabutter** [1] - 215:15

**nonalcoholic** [3] - 164:18, 234:2,  
285:19

**noncompliant** [3] - 99:15, 100:8, 100:13

**none** [16] - 45:19, 46:4, 60:1, 109:6, 148:6, 156:8, 160:4, 163:14, 169:2, 219:2, 241:9, 251:1, 264:16, 276:6, 284:19, 290:19

**nonprofit** [1] - 242:9

**nontransferable** [1] - 283:4

**Norfolk** [1] - 295:4

**normal** [2] - 27:4, 218:3

**North** [2] - 259:8, 263:3

**Norton** [1] - 171:16

**NOT** [1] - 295:17

**not-very-many** [1] - 229:11

**Notary** [2] - 295:5, 295:15

**note** [12] - 16:10, 71:3, 71:11, 71:16, 72:8, 99:10, 106:3, 114:3, 120:10, 124:10, 238:13, 294:2

**noted** [2] - 55:12, 294:11

**nothing** [12] - 11:11, 13:6, 16:4, 23:9, 107:16, 111:8, 113:15, 192:17, 197:12, 216:18, 258:11, 287:4

**notice** [10] - 18:18, 58:17, 92:16, 105:6, 198:9, 208:6, 208:15, 219:17, 228:18, 266:12

**noticeably** [1] - 99:14

**noticed** [1] - 11:8

**notices** [1] - 18:14

**notification** [1] - 187:8

**notifications** [4] - 163:3, 182:13, 238:7, 254:3

**notified** [1] - 58:16

**noting** [1] - 268:16

**notorious** [1] - 185:18

**Notre** [2] - 152:8, 156:10

**NOTRE** [2] - 2:9, 152:5

**November** [6] - 39:10, 39:19, 43:3, 51:12, 243:18

**nowhere** [1] - 174:6

**Nua** [1] - 211:17

**number** [10] - 12:19, 17:12, 40:5, 55:1, 78:10, 78:11, 123:4, 251:3, 261:13, 282:3

**numerous** [3] - 173:6, 205:1, 260:8

o

**O'NEIL** [4] - 76:10, 76:14, 76:18, 190:12

**O'Neil** [2] - 76:15, 190:13

**O'Neill's** [1] - 171:16

**O--N-E-I-L** [2] - 76:15, 190:13

**obey** [1] - 28:3

**objecting** [1] - 202:15

**obligation** [1] - 58:18

**obligations** [1] - 55:8

**observed** [1] - 82:14

**obstructing** [1] - 212:1

**obtain** [2] - 91:7, 126:1

**obvious** [1] - 206:11

**obviously** [11] - 39:13, 49:6, 55:18, 91:3, 127:9, 158:15, 167:1, 240:3, 256:14, 272:8, 273:5

**occasions** [1] - 205:1

**occupancy** [5] - 108:2, 162:2, 170:6, 267:14, 268:2

**occupy** [1] - 70:15

**occur** [6] - 65:5, 66:5, 67:8, 67:13, 68:12, 121:16

**occurred** [1] - 31:16

**occurring** [3] - 55:6, 58:1, 65:8

**odors** [1] - 112:2

**OF** [8] - 1:2, 2:1, 2:17, 3:1, 242:5, 295:16, 295:17, 295:18

**offended** [1] - 121:12

**offense** [1] - 225:15

**offer** [4] - 196:3, 196:4, 258:9, 259:3

**office** [6] - 62:18, 64:6, 98:17, 99:9, 182:15, 262:19

**Office** [2] - 215:16, 249:12

**officer/director** [2] - 158:8, 279:4

**officers** [6] - 30:9, 152:12, 153:2, 156:9, 279:15, 279:16

**offices** [1] - 123:1

**OFFICIAL** [1] - 1:18

**officially** [1] - 54:11

**often** [1] - 199:8

**Old** [1] - 195:16

**old** [4] - 150:3, 191:12, 229:6, 229:8

**Oliva** [1] - 226:8

**OLIVIA** [9] - 194:14, 194:15, 195:11, 196:1, 197:1, 197:6, 198:8, 226:4, 226:8

**Olivia** [2] - 194:14, 215:18

**on-hand** [2] - 248:7, 248:17

**on-line** [4] - 12:18, 134:10, 249:13, 249:14

**on-site** [1] - 49:7

**once** [5] - 16:6, 135:19, 185:17, 186:3, 276:17

**One** [1] - 263:14

**one** [89] - 6:4, 6:9, 6:13, 6:17, 6:18, 9:8, 9:10, 14:18, 20:3, 30:9, 34:3, 34:14, 35:16, 37:5, 39:9, 39:18, 40:5, 40:11, 47:13, 61:17, 76:19, 78:6, 81:18, 82:14, 92:1, 93:7, 93:11, 95:5, 104:13, 105:6, 109:4, 110:3, 110:4, 111:2, 117:5, 119:19, 121:3, 123:16, 125:19, 129:3, 129:14, 131:2, 133:6, 133:7, 133:9, 144:2, 147:8, 148:18, 148:19, 150:8, 155:15, 158:9, 158:15, 159:11, 170:9, 173:8, 177:15, 179:4, 179:5, 179:6, 180:2, 183:16, 186:10, 195:2, 205:19, 206:1, 209:2, 210:2, 213:8, 214:5, 215:19, 217:9, 226:4, 227:7, 228:17, 236:14, 237:1, 247:8, 247:9, 251:3, 255:9, 258:3, 270:18, 271:8, 272:8, 277:2, 279:18, 288:13

**one-person** [1] - 170:9

**one-time** [1] - 125:19

**one-year** [1] - 155:15

**ones** [1] - 34:2

**ongoing** [1] - 118:8

**Open** [2] - 234:17, 235:16

**open** [53] - 9:13, 9:14, 11:18, 14:17, 15:11, 24:9, 24:10, 25:8, 25:13, 25:14, 25:17, 25:19, 26:18, 27:18, 27:19, 29:15, 30:2, 30:12, 32:17, 34:8, 38:13, 38:16, 44:12, 65:19, 66:2, 68:10, 107:12, 107:17, 126:4, 126:8, 126:17, 128:9, 161:3, 163:19, 171:10, 171:13, 175:13, 183:13, 195:1, 196:2, 197:13,

213:14, 223:14, 225:1, 225:2, 227:7, 236:7, 247:19, 267:4, 270:13, 275:12, 286:19

**opened** [12] - 25:10, 27:10, 35:17, 46:8, 46:9, 184:9, 192:10, 219:8, 220:4, 256:5, 271:1, 280:13

**opening** [9] - 13:1, 35:18, 38:14, 65:19, 66:4, 83:2, 122:9, 221:4, 221:10

**openings** [1] - 17:6

**operate** [5] - 17:6, 34:11, 121:18, 170:2, 248:3

**operated** [3] - 107:4, 121:19, 261:12

**operating** [19] - 45:6, 45:7, 56:9, 56:14, 56:19, 83:2, 103:7, 165:2, 166:17, 166:19, 234:4, 240:15, 244:11, 244:13, 252:5, 257:12, 265:2, 280:7, 286:2

**operation** [6] - 61:3, 65:7, 124:7, 186:17, 260:14, 290:2

**operational** [1] - 65:18

**operationally** [1] - 67:6

**operations** [9] - 52:6, 52:12, 53:10, 54:6, 55:14, 68:9, 100:16, 102:15, 287:5

**operator** [14] - 39:11, 41:1, 42:15, 44:1, 45:5, 71:5, 124:12, 124:14, 124:15, 125:1, 206:9, 244:17, 261:18, 267:10

**operators** [6] - 45:6, 244:14, 262:17, 263:5, 280:10

**opinion** [10] - 69:2, 84:16, 136:15, 136:17, 141:14, 141:18, 142:3, 143:18, 143:19, 284:7

**opportunities** [4] - 72:9, 116:1, 117:6, 120:11

**opportunity** [12] - 18:5, 64:16, 118:10, 129:11, 144:18, 175:1, 222:13, 232:14, 233:1, 251:3, 284:9, 285:2

**oppose** [1] - 86:17

**opposed** [9] - 189:6, 190:1, 190:2, 190:4, 210:1, 216:5, 216:19, 218:12, 258:13

**opposite** [5] - 62:18, 134:16, 199:13, 255:7, 255:13

**opposition** [5] - 74:9, 174:19, 219:14, 229:2, 261:9  
**option** [1] - 127:16  
**or..** [4] - 162:9, 245:18, 250:1, 289:16  
**oranges** [1] - 141:2  
**order** [1] - 153:19  
**ordered** [1] - 15:12  
**orders** [1] - 15:14  
**ordinance** [2] - 84:4, 108:5  
**ordinarily** [1] - 103:11  
**organization** [1] - 173:11  
**organizations** [1] - 237:19  
**origin** [1] - 102:14  
**original** [4] - 15:4, 34:14, 94:9, 272:3  
**originally** [3] - 69:18, 195:12, 254:2  
**otherwise** [4] - 75:2, 136:1, 155:10, 211:9  
**ourself** [1] - 70:3  
**ourselves** [3] - 104:11, 120:1, 127:15  
**outcome** [3] - 102:7, 132:5, 133:1  
**Outdoor** [1] - 277:1  
**outdoor** [5] - 266:2, 267:8, 267:10, 267:13, 277:17  
**outer** [1] - 17:6  
**outgoing** [1] - 279:18  
**outlined** [1] - 134:19  
**outlining** [1] - 214:4  
**outright** [2] - 105:10, 105:16  
**outside** [8] - 9:16, 62:7, 63:2, 263:11, 274:5, 274:11, 275:11, 276:12  
**outweighs** [1] - 198:3  
**ovens** [1] - 121:18  
**oversee** [1] - 272:14  
**overview** [1] - 266:18  
**overzealous** [1] - 264:4  
**owed** [1] - 254:7  
**own** [15] - 49:1, 94:19, 137:3, 171:9, 171:13, 171:15, 171:16, 172:1, 184:7, 186:10, 192:18, 289:3, 289:11, 289:16

**owned** [8] - 107:3, 107:4, 186:9, 192:16, 211:18, 212:14, 245:19, 289:3  
**owner** [25] - 12:17, 33:12, 34:15, 35:10, 35:12, 35:13, 35:17, 36:2, 45:10, 51:17, 52:5, 52:19, 53:2, 53:17, 54:15, 54:19, 56:6, 62:13, 123:3, 186:9, 203:17, 206:5, 216:9, 259:19, 277:12  
**owner/manager** [4] - 51:15, 53:5, 53:15, 54:1  
**owners** [5] - 99:16, 171:10, 184:9, 186:15, 197:19  
**owners/operators** [1] - 266:8  
**ownership** [7] - 52:3, 53:4, 53:18, 65:13, 282:4, 282:13, 283:14

P

**P-A-R-K** [2] - 236:5, 237:17  
**P-A-T-H-A-K** [1] - 8:14  
**P-E-T-E-R-S** [1] - 194:15  
**P-H-I-L-L-I-P-S** [1] - 270:4  
**P-R-E-M-I-L-A** [1] - 8:10  
**p.m** [14] - 1:15, 27:4, 61:3, 66:1, 68:13, 165:3, 234:5, 240:16, 286:3, 286:4, 290:2, 293:11, 293:19  
**package** [2] - 199:4, 238:16  
**PAGE** [3] - 2:1, 3:1, 294:4  
**Page** [1] - 210:15  
**page** [2] - 142:18, 144:14  
**paid** [3] - 21:13, 56:10, 154:14  
**paint** [2] - 225:5, 287:3  
**painted** [1] - 20:19  
**painting** [1] - 229:12  
**panels** [1] - 269:13  
**PANICO** [8] - 149:10, 149:13, 149:17, 150:5, 150:10, 150:13, 151:14, 152:2  
**Panico** [1] - 149:14  
**paper** [1] - 110:4  
**paperwork** [2] - 153:19, 238:4  
**paragraphs** [1] - 106:13  
**parallel** [1] - 83:17  
**parents** [1] - 289:1  
**park** [4] - 122:13, 122:14, 185:15, 255:13

**PARK** [9] - 234:14, 234:15, 236:2, 236:12, 236:16, 237:7, 237:11, 237:12, 237:16

**Park** [10] - 112:8, 233:18, 234:13, 234:14, 236:4, 237:16, 237:17, 252:4, 260:19, 265:1

**parked** [1] - 84:14

**parking** [14] - 65:5, 65:10, 78:11, 84:10, 88:10, 89:8, 120:12, 122:10, 122:16, 161:1, 161:4, 163:17, 163:19, 201:19

**Parkpoom** [1] - 164:15

**PARKPOOM** [11] - 166:8, 166:11, 166:15, 167:5, 167:8, 167:13, 167:15, 167:18, 168:3, 168:6, 168:9

**Parkway** [1] - 279:2

**Parlor** [1] - 195:16

**part** [11] - 10:9, 150:7, 154:8, 161:16, 171:19, 173:18, 176:11, 199:3, 226:19, 246:14, 264:6

**participate** [1] - 58:8

**particular** [4] - 92:12, 125:1, 132:17, 259:4

**particularly** [6] - 63:7, 66:18, 67:7, 100:14, 115:4, 121:2

**parties** [6] - 140:18, 141:17, 142:7, 177:3, 227:12, 229:13

**partner** [2] - 173:12, 190:18

**parts** [1] - 208:19

**party** [1] - 16:4

**passed** [3] - 14:16, 163:5, 242:15

**past** [7] - 64:1, 89:14, 94:18, 243:10, 243:13, 247:14, 247:15

**path** [3] - 134:18, 134:19, 270:11

**Pathak** [3] - 7:5, 8:14, 33:12

**PATHAK** [1] - 8:13

**patio** [16] - 253:9, 266:2, 267:8, 267:10, 267:13, 267:19, 268:4, 268:6, 269:15, 270:7, 272:14, 274:5, 275:11, 276:10, 277:7, 277:17

**patios** [1] - 276:12

**Patriots** [1] - 195:19

**patron** [1] - 230:18

**patronage** [1] - 196:8

**patrons** [6] - 120:8, 122:12, 122:14,

201:11, 212:1, 212:2

**pattern** [2] - 16:8, 102:14

**Paul** [1] - 146:17

**pause** [1] - 99:6

**pay** [4] - 29:13, 50:2, 101:16, 101:18

**paying** [1] - 110:3

**payment** [4] - 154:12, 155:14, 155:15, 155:16

**payments** [3] - 127:16, 154:13, 155:6

**PCU** [3] - 103:5, 105:9, 111:19

**peacefully** [1] - 107:13

**Pearl** [4] - 164:17, 165:16, 166:7, 169:3

**pedestrian** [1] - 118:6

**pedestrians** [1] - 268:3

**penalize** [1] - 128:10

**pending** [5] - 58:2, 104:5, 152:9, 244:2, 244:3

**penetrating** [1] - 86:16

**people** [97] - 4:11, 23:10, 25:4, 26:10, 27:15, 28:8, 28:12, 29:2, 29:3, 29:5, 29:11, 29:12, 30:1, 30:7, 30:11, 30:13, 30:18, 30:19, 38:19, 45:2, 47:16, 48:1, 48:6, 72:4, 73:3, 74:7, 74:14, 74:18, 75:19, 77:19, 81:5, 85:10, 91:4, 91:14, 92:13, 113:3, 121:8, 121:9, 121:12, 126:14, 133:2, 136:14, 139:4, 174:5, 174:7, 176:4, 176:7, 181:19, 183:19, 184:13, 185:10, 185:15, 189:1, 189:11, 191:4, 191:11, 191:12, 191:13, 195:2, 196:13, 197:17, 199:7, 199:15, 200:11, 202:3, 203:2, 203:3, 207:15, 209:9, 210:6, 215:7, 219:16, 221:14, 223:16, 225:11, 225:13, 226:14, 227:6, 228:3, 229:11, 235:5, 248:3, 248:9, 248:17, 259:6, 263:12, 263:19, 271:3, 271:6, 271:7, 275:4

**People** [1] - 107:5

**people's** [2] - 81:17, 189:4

**PEPPER** [2] - 2:13, 164:11

**Pepper** [3] - 164:15, 165:16, 169:4

**per** [4] - 165:3, 234:5, 248:5, 283:6

- percent** [9] - 144:11, 220:10, 280:5, 283:14, 283:16, 283:19
- percentage** [1] - 63:9
- perfect** [2] - 211:15, 224:3
- perfectly** [1] - 123:15
- performance** [1] - 188:3
- performed** [1] - 59:9
- perhaps** [2] - 139:3, 232:16
- period** [3] - 139:12, 147:8, 268:17
- permanent** [3] - 267:13, 272:8, 273:8
- permissible** [1] - 6:8
- permission** [1] - 244:1
- Permit** [2] - 161:16, 163:1
- permit** [3] - 17:6, 58:9, 202:3
- permits** [1] - 24:13
- permitted** [2] - 123:10, 123:14
- permitting** [1] - 273:8
- person** [13] - 28:13, 34:16, 35:3, 44:1, 76:8, 95:2, 143:19, 144:1, 170:9, 179:5, 180:3, 274:4
- person's** [1] - 212:16
- personally** [2] - 129:7, 196:5
- persuaded** [1] - 137:18
- Peter** [1] - 149:14
- PETERS** [8] - 194:14, 195:11, 196:1, 197:1, 197:6, 198:8, 226:4, 226:8
- Peters** [2] - 194:14, 226:8
- petition** [1] - 71:14
- petitioners** [1] - 107:19
- petitions** [3] - 116:12, 268:13
- Phil** [3] - 98:11, 106:12, 133:11
- philanthropy** [1] - 243:8
- PHILIP** [23] - 93:6, 93:7, 95:8, 133:11, 133:14, 133:17, 134:4, 134:15, 136:7, 136:16, 139:6, 139:11, 139:16, 140:2, 140:10, 141:4, 141:13, 142:2, 142:10, 143:2, 143:7, 143:15, 144:4
- Philip** [1] - 93:6
- PHILLIPS** [4] - 270:3, 270:7, 271:17, 272:2
- Phillips** [2] - 266:10, 270:4
- PHOEBE** [2] - 202:13, 202:14
- Phoebe** [1] - 202:13
- Phoenix** [16] - 171:14, 173:5, 173:10, 192:11, 203:6, 209:11, 209:13, 209:17, 216:10, 218:13, 229:5, 229:10, 229:19, 230:5, 230:7, 230:17
- phone** [6] - 4:6, 26:5, 30:18, 32:16, 36:14, 288:8
- phonetic** [4] - 33:10, 80:1, 162:13, 211:16
- physical** [1] - 226:16
- physically** [1] - 9:19
- pick** [2] - 6:17, 223:15
- picked** [3] - 34:1, 66:9, 198:10
- picture** [1] - 9:18
- pictures** [2] - 172:10, 174:2
- piece** [4] - 10:12, 21:19, 129:3, 134:9
- Piero** [1] - 80:1
- pilot** [1] - 22:16
- pink** [1] - 197:6
- pipeline** [1] - 261:17
- pit** [1] - 245:2
- Pizza** [5] - 158:2, 158:7, 160:6, 234:18, 292:17
- pizza** [1] - 235:1
- PIZZA** [4] - 2:11, 3:9, 157:17, 292:13
- pizzas** [1] - 239:15
- Pizzeria** [2] - 285:15, 291:3
- PIZZERIA** [2] - 3:5, 285:11
- pizzerias** [2] - 289:3, 289:7
- place** [19] - 11:3, 21:13, 25:11, 33:17, 33:18, 40:4, 52:18, 83:14, 88:19, 123:6, 123:13, 185:7, 185:14, 188:18, 213:8, 213:13, 221:5, 225:18, 229:7
- placed** [2] - 71:2, 124:9
- places** [5] - 176:5, 193:8, 200:1, 210:4, 214:9
- placing** [1] - 76:4
- plan** [20] - 63:12, 65:1, 154:12, 155:16, 172:9, 177:13, 180:12, 180:15, 209:5, 214:19, 224:10, 225:5, 227:19, 271:2, 273:17, 274:10, 287:12, 287:13, 288:11, 291:5
- planned** [1] - 24:11

**planning** [2] - 220:7, 264:6  
**Planning** [1] - 260:9  
**plans** [13] - 65:18, 69:16, 83:13, 101:14, 216:3, 218:9, 218:10, 218:16, 219:13, 225:7, 226:10, 228:16, 269:6  
**planters** [3] - 270:14, 271:10, 271:11  
**play** [2] - 136:6, 245:11  
**Play** [1] - 107:5  
**played** [2] - 61:10, 170:10  
**playing** [1] - 244:18  
**Plaza** [1] - 112:8  
**pleasant** [1] - 39:7  
**pleased** [1] - 275:7  
**pleases** [1] - 266:17  
**pleasure** [1] - 128:18  
**Pledge** [1] - 158:7  
**plenty** [3] - 177:7, 189:8, 189:9  
**plugged** [1] - 178:16  
**plumber** [2] - 29:6, 29:7  
**plumbing** [5] - 29:4, 29:5, 30:13, 31:9, 31:10  
**plus** [1] - 166:1  
**Plus** [1] - 173:12  
**Point** [2] - 259:8, 263:3  
**point** [37] - 4:9, 13:11, 31:14, 36:16, 41:11, 41:16, 42:10, 42:16, 47:12, 48:17, 52:15, 55:19, 57:18, 72:8, 72:13, 95:18, 100:3, 100:12, 101:8, 102:12, 109:17, 113:13, 114:8, 115:9, 116:3, 118:6, 132:17, 132:18, 138:14, 138:19, 139:1, 140:3, 141:10, 143:7, 203:19, 211:14  
**pointed** [1] - 203:17  
**pointing** [3] - 41:3, 41:8, 204:4  
**points** [3] - 109:16, 206:1, 258:14  
**Police** [1] - 188:11  
**police** [5] - 38:5, 91:15, 248:7, 248:17, 251:5  
**POLICE** [57] - 1:8, 45:15, 47:2, 59:7, 60:7, 60:10, 74:1, 122:2, 128:19, 144:17, 145:4, 145:9, 146:1, 146:9, 147:18, 148:13, 151:12, 156:3, 156:15, 157:14,

159:17, 160:11, 163:9, 164:6, 168:16, 169:10, 180:11, 180:19, 181:6, 181:10, 181:15, 182:7, 188:14, 222:19, 232:9, 233:10, 237:5, 237:9, 239:7, 241:1, 241:18, 248:15, 249:8, 250:7, 250:12, 251:10, 262:3, 265:9, 275:16, 278:13, 284:4, 285:9, 290:7, 291:10, 292:12, 293:7, 293:17  
**policy** [4] - 210:18, 242:14, 248:6  
**Pollution** [2] - 103:5, 112:1  
**Pond** [1] - 280:18  
**poorly** [1] - 201:17  
**popular** [6] - 123:7, 236:17, 276:12, 276:16, 277:2, 277:9  
**porch** [1] - 100:7  
**porches** [1] - 189:4  
**posed** [1] - 51:19  
**position** [2] - 70:4, 140:8  
**positive** [4] - 82:12, 91:2, 264:11, 277:9  
**possibility** [1] - 97:12  
**possible** [4] - 68:5, 117:2, 117:12, 198:3  
**posted** [1] - 49:13  
**postpone** [2] - 88:6, 97:3  
**postponed** [1] - 14:1  
**posts** [1] - 272:5  
**potential** [2] - 12:2, 261:16  
**potentially** [3] - 56:19, 126:12, 129:4  
**pots** [1] - 256:1  
**pounding** [1] - 123:9  
**power** [2] - 11:9, 273:13  
**practice** [1] - 57:5  
**practiced** [1] - 103:18  
**pragmatic** [1] - 112:19  
**precursor** [1] - 52:14  
**predesigned** [1] - 67:10  
**predicated** [1] - 240:5  
**prediction** [1] - 94:13  
**predictions** [3] - 94:16, 95:4, 109:18  
**preexisting** [1] - 126:16  
**prefabricated** [1] - 258:12

**prefer** [1] - 224:7  
**preferable** [1] - 200:14  
**preference** [2] - 85:13, 127:13  
**PREMILA** [31] - 7:19, 8:4, 8:5, 8:10, 18:15, 19:7, 19:13, 19:16, 20:2, 20:7, 21:3, 22:3, 22:9, 23:7, 23:19, 24:6, 26:3, 26:9, 37:3, 37:13, 37:16, 38:4, 38:8, 38:10, 38:13, 38:17, 39:16, 45:4, 47:13, 48:4, 49:17  
**Premila** [3] - 8:4, 35:18, 42:13  
**premila** [1] - 8:10  
**PREMILLA** [1] - 24:2  
**premise** [4] - 56:5, 211:18, 266:1, 277:16  
**premises** [17] - 9:5, 49:11, 52:17, 55:2, 57:8, 63:3, 63:5, 64:14, 103:3, 114:6, 165:1, 170:7, 234:3, 239:11, 266:16, 268:9, 286:1  
**preparation** [1] - 100:19  
**prepared** [3] - 47:17, 57:14, 86:6  
**preparing** [1] - 236:17  
**presence** [1] - 73:8  
**present** [14] - 51:16, 51:17, 53:1, 53:2, 53:16, 53:18, 59:2, 59:4, 62:16, 65:13, 176:14, 178:13, 188:11, 282:10  
**presented** [3] - 261:18, 269:4, 281:19  
**presenting** [1] - 79:1  
**president** [1] - 159:7  
**pressed** [1] - 115:15  
**pressure** [2] - 16:19, 127:14  
**pressures** [2] - 114:1, 127:7  
**presume** [1] - 137:16  
**pretty** [11] - 78:3, 78:7, 175:12, 176:19, 195:2, 203:7, 211:2, 224:3, 274:1, 287:6, 288:11  
**prevention** [1] - 163:5  
**previous** [6] - 96:17, 166:6, 184:9, 186:15, 195:2, 276:15  
**previously** [2] - 183:17, 277:8  
**price** [2] - 258:14, 259:4  
**pricier** [1] - 258:19  
**primarily** [3] - 64:9, 199:5, 200:2  
**primary** [1] - 201:6

**principal** [1] - 123:11  
**principals** [2] - 61:17, 234:15  
**private** [4] - 153:14, 177:3, 227:12  
**prizes** [1] - 245:13  
**problem** [21] - 12:5, 14:13, 24:13, 29:6, 34:13, 35:1, 92:4, 95:19, 107:8, 116:15, 128:9, 140:14, 143:8, 143:9, 179:16, 180:18, 188:18, 188:19, 207:12, 209:1, 233:3  
**problematic** [1] - 129:9  
**problems** [6] - 89:9, 96:13, 202:18, 228:17, 248:7  
**proceed** [2] - 69:16, 115:19  
**proceedings** [1] - 295:9  
**process** [7] - 32:9, 102:6, 113:16, 118:8, 142:1, 154:8, 264:6  
**produce** [1] - 259:2  
**produced** [1] - 94:12  
**product** [3] - 258:11, 258:18, 259:1  
**production** [1] - 256:8  
**professional** [4] - 22:5, 28:12, 69:3, 137:18  
**professionally** [1] - 82:10  
**professionals** [7] - 113:12, 119:18, 131:7, 131:18, 132:3, 174:13, 259:9  
**programming** [1] - 52:9  
**prohibiting** [1] - 242:14  
**prohibits** [1] - 242:11  
**project** [8] - 92:18, 126:11, 161:14, 161:15, 162:1, 198:2, 262:15, 263:16  
**projected** [1] - 101:9  
**prominent** [3] - 63:4, 110:13, 120:7  
**promised** [2] - 83:18, 92:9  
**proof** [1] - 16:18  
**properly** [3] - 13:12, 58:16, 103:7  
**property** [7] - 100:6, 100:10, 175:19, 186:9, 194:16, 277:12  
**proposal** [2] - 172:5, 222:14  
**propose** [1] - 102:18  
**proposed** [18] - 61:2, 61:5, 62:17, 82:16, 87:3, 89:5, 98:4, 98:13, 101:14, 128:9, 206:9, 251:5, 253:2, 259:14, 260:19, 267:19, 268:4, 280:4

**proposing** [2] - 55:15, 171:3  
**Prospect** [5] - 185:6, 185:10, 214:7, 214:8, 214:14  
**prospective** [5] - 51:17, 52:11, 53:2, 53:17, 57:6  
**prostate** [1] - 144:5  
**protection** [1] - 17:7  
**prove** [1] - 108:1  
**proved** [1] - 124:14  
**proven** [3] - 89:11, 205:3, 205:9  
**provide** [7] - 108:1, 131:10, 132:4, 249:18, 250:2, 258:2, 274:11  
**provided** [10] - 55:3, 69:1, 72:1, 109:8, 109:19, 110:5, 110:11, 116:10, 131:14, 132:11  
**provides** [1] - 122:16  
**providing** [1] - 129:2  
**proving** [1] - 123:7  
**provision** [1] - 126:1  
**proximity** [4] - 71:12, 111:17, 113:4, 115:7  
**pseudo** [1] - 245:2  
**pub** [16] - 172:6, 172:17, 174:1, 174:15, 175:9, 176:4, 177:8, 184:11, 189:8, 194:17, 203:6, 209:2, 209:10, 216:13, 225:12, 231:13  
**pubic** [1] - 183:13  
**public** [22] - 43:13, 46:2, 59:18, 71:8, 73:16, 116:11, 148:4, 156:6, 160:2, 163:12, 168:19, 201:18, 202:2, 241:7, 250:18, 262:9, 266:2, 267:12, 269:15, 276:4, 284:17, 290:17  
**Public** [5] - 267:17, 269:1, 269:3, 295:5, 295:15  
**published** [1] - 24:11  
**pubs** [1] - 177:9  
**pull** [2] - 10:15, 11:10  
**pulled** [2] - 11:10, 270:10  
**pump** [1] - 136:12  
**PUNJAB** [2] - 3:8, 292:13  
**Punjab** [2] - 292:16, 293:2  
**purchased** [2] - 247:14, 286:15  
**purchasing** [1] - 286:14  
**pure** [1] - 102:10

**purpose** [1] - 243:6  
**purposes** [1] - 120:17  
**push** [5] - 87:12, 127:12, 165:12, 200:13, 275:5  
**pushed** [1] - 34:16  
**put** [15] - 22:17, 71:5, 83:14, 127:19, 139:4, 172:5, 172:10, 172:11, 174:15, 176:12, 181:9, 224:13, 226:15, 246:5, 257:10  
**putting** [3] - 92:14, 140:8, 225:4

**Q**

**qualified** [1] - 124:15  
**quality** [5] - 63:15, 82:11, 258:10, 259:2, 273:4  
**que** [1] - 93:1  
**Que** [1] - 278:19  
**questioning** [1] - 225:13  
**questions** [61] - 21:18, 45:14, 45:16, 52:1, 56:15, 59:6, 65:14, 109:15, 122:1, 122:3, 122:5, 122:7, 131:11, 147:17, 147:19, 148:1, 148:2, 155:19, 156:2, 156:4, 159:16, 159:18, 159:19, 163:8, 163:10, 168:12, 168:14, 168:15, 168:17, 179:18, 180:10, 211:7, 222:18, 223:1, 232:6, 232:8, 232:10, 239:6, 239:8, 239:9, 240:19, 241:2, 241:3, 241:5, 250:11, 250:13, 250:15, 262:2, 262:4, 262:5, 262:7, 264:10, 275:15, 275:17, 275:19, 276:2, 284:3, 284:14, 290:6, 290:8, 290:9  
**quickly** [5] - 85:17, 119:17, 139:2, 148:19, 276:11  
**quiet** [10] - 78:7, 84:1, 84:5, 92:9, 92:15, 101:6, 102:16, 105:8, 105:10, 105:11  
**Quilty** [1] - 266:6  
**quite** [14] - 59:8, 93:15, 94:2, 94:11, 94:12, 96:9, 123:2, 130:18, 165:19, 199:11, 199:14, 203:8, 215:1, 229:4  
**quote** [1] - 35:19  
**quote/unquote** [1] - 36:1

<u>R</u>	
<p><b><u>R&amp;D</u></b> [1] - 64:6</p> <p><b><u>radio</u></b> [1] - 170:9</p> <p><b><u>RAFFERTY</u></b> [27] - 5:15, 7:1, 50:12, 50:17, 54:18, 56:15, 57:1, 58:5, 60:13, 61:13, 62:3, 62:9, 108:17, 117:8, 118:15, 120:5, 122:11, 122:14, 125:16, 127:4, 130:3, 137:5, 139:10, 146:12, 147:3, 147:14, 148:15</p> <p><b><u>Rafferty</u></b> [8] - 5:18, 50:19, 54:14, 61:14, 78:16, 88:12, 98:16, 147:4</p> <p><b><u>Rafferty's</u></b> [1] - 86:11</p> <p><b><u>raffle</u></b> [2] - 245:13, 245:14</p> <p><b><u>raise</u></b> [5] - 41:5, 42:2, 126:7, 181:11, 243:7</p> <p><b><u>raised</u></b> [9] - 28:7, 64:1, 85:5, 97:15, 109:15, 138:19, 243:12, 269:9, 269:12</p> <p><b><u>ran</u></b> [3] - 33:14, 192:19, 193:5</p> <p><b><u>range</u></b> [2] - 111:16, 259:4</p> <p><b><u>rate</u></b> [1] - 70:3</p> <p><b><u>rather</u></b> [6] - 88:3, 91:9, 139:1, 150:15, 180:17, 283:13</p> <p><b><u>RATIFICATION</u></b> [4] - 3:6, 3:8, 291:14, 292:13</p> <p><b><u>ratifications</u></b> [1] - 291:17</p> <p><b><u>RE</u></b> [1] - 1:4</p> <p><b><u>reach</u></b> [2] - 132:14, 264:9</p> <p><b><u>reaching</u></b> [1] - 174:4</p> <p><b><u>read</u></b> [9] - 85:17, 86:2, 104:16, 106:3, 121:3, 180:1, 198:16, 198:19, 294:11</p> <p><b><u>reading</u></b> [4] - 101:7, 102:12, 102:19, 294:2</p> <p><b><u>readings</u></b> [3] - 99:14, 100:5, 102:8</p> <p><b><u>reads</u></b> [1] - 51:13</p> <p><b><u>ready</u></b> [6] - 14:2, 47:18, 47:19, 48:3, 48:6, 48:7</p> <p><b><u>real</u></b> [3] - 222:3, 263:2, 263:17</p> <p><b><u>realize</u></b> [4] - 105:5, 153:9, 219:13, 219:18</p> <p><b><u>really</u></b> [23] - 13:9, 31:8, 35:5, 66:14, 81:16, 97:2, 112:3, 120:18, 174:14, 176:9, 185:17, 200:14,</p>	<p>208:17, 209:18, 220:15, 226:10, 230:4, 255:6, 255:12, 262:16, 263:8, 285:3</p> <p><b><u>rear</u></b> [2] - 9:8, 11:4</p> <p><b><u>REARDON</u></b> [172] - 1:9, 4:7, 7:10, 19:14, 19:19, 20:4, 20:9, 21:17, 22:7, 35:9, 36:19, 37:12, 38:2, 38:6, 38:9, 38:11, 38:14, 38:18, 39:18, 41:2, 41:19, 43:1, 43:10, 44:7, 45:9, 45:19, 46:18, 47:3, 48:2, 48:13, 49:6, 49:15, 56:16, 60:11, 61:19, 62:5, 74:5, 122:6, 134:3, 134:7, 136:5, 136:10, 140:7, 140:15, 141:11, 141:15, 142:4, 142:12, 143:6, 143:13, 143:17, 144:15, 146:6, 146:11, 147:12, 148:2, 148:10, 148:14, 150:8, 150:17, 151:4, 151:9, 151:13, 155:13, 156:1, 156:12, 156:16, 157:4, 157:7, 157:11, 157:15, 159:19, 160:8, 160:12, 162:4, 162:7, 162:16, 163:4, 163:7, 164:3, 164:7, 166:5, 166:9, 166:12, 166:16, 167:1, 167:6, 167:11, 167:14, 167:16, 167:19, 168:13, 169:7, 169:11, 176:14, 178:1, 178:7, 179:19, 193:16, 199:2, 221:17, 223:2, 223:7, 223:13, 223:19, 232:7, 233:7, 233:11, 236:10, 236:14, 239:10, 239:19, 240:5, 240:10, 241:4, 241:15, 241:19, 243:19, 245:2, 245:5, 245:16, 246:4, 246:8, 246:11, 246:14, 248:8, 248:11, 248:19, 250:4, 250:16, 251:7, 251:11, 254:13, 255:3, 255:6, 255:11, 255:19, 256:14, 256:17, 257:2, 257:6, 257:9, 262:6, 265:5, 265:8, 271:16, 271:19, 272:19, 273:11, 273:16, 274:10, 275:10, 276:1, 278:1, 278:10, 278:14, 280:14, 283:5, 284:15, 285:6, 285:10, 289:9, 290:10, 290:15, 291:7, 291:11, 292:8, 292:11, 293:4, 293:8, 293:13, 293:16</p> <p><b><u>Reardon</u></b> [1] - 5:6</p> <p><b><u>reason</u></b> [3] - 84:7, 247:17, 294:2</p>

**REASON** [6] - 294:5, 294:6, 294:7, 294:8, 294:9, 294:10

**reasonable** [3] - 104:3, 104:5, 142:8

**reasonably** [2] - 105:8, 105:11

**reasons** [2] - 91:8, 94:16

**reassurance** [1] - 229:15

**receipt** [1] - 291:4

**receipts** [3] - 183:2, 183:3, 183:10

**receive** [2] - 18:13, 36:12

**received** [12] - 7:8, 18:18, 36:9, 49:2, 56:12, 88:12, 89:4, 106:9, 174:18, 187:8, 208:6, 268:19

**receiving** [4] - 52:14, 54:11, 155:6, 278:5

**recent** [3] - 42:9, 69:2, 112:7

**recently** [2] - 16:17, 182:18

**recess** [1] - 157:2

**Recess** [1] - 157:8

**recognize** [1] - 59:1

**reconcile** [1] - 144:19

**record** [46] - 5:17, 8:2, 24:7, 44:5, 48:9, 50:16, 51:16, 52:5, 52:19, 53:6, 53:15, 54:1, 54:16, 59:12, 61:14, 75:8, 85:7, 86:2, 86:5, 90:12, 106:5, 106:15, 130:7, 152:16, 157:10, 158:19, 161:9, 165:5, 170:16, 191:16, 193:11, 199:1, 211:14, 211:15, 212:16, 216:9, 220:2, 228:10, 230:11, 242:19, 252:11, 268:11, 270:1, 286:6, 294:12, 295:9

**RECORD** [1] - 1:18

**records** [1] - 124:16

**rectified** [1] - 42:11

**red** [2] - 11:19, 27:12

**redevelopment** [1] - 175:18

**reduce** [2] - 81:7, 209:16

**reduces** [1] - 112:2

**reference** [1] - 124:6

**referenced** [1] - 33:4

**references** [2] - 32:11, 35:17

**referencing** [1] - 136:12

**referring** [2] - 39:16, 39:17

**reflect** [5] - 124:17, 261:16, 268:1, 282:1, 282:2

**refreshment** [1] - 249:6

**refrigerators** [1] - 117:18

**refuse** [1] - 36:12

**regard** [3] - 120:6, 221:9, 242:13

**regarded** [1] - 119:8

**regarding** [5] - 52:12, 173:5, 220:14, 229:19, 269:18

**regardless** [1] - 102:7

**regards** [1] - 154:2

**region** [1] - 177:19

**registered** [4] - 183:10, 198:9, 244:4, 249:14

**registration** [1] - 249:13

**regressed** [1] - 43:15

**regret** [5] - 55:17, 56:1, 109:2, 113:16, 116:5

**regular** [2] - 27:5, 55:7

**regulating** [1] - 248:9

**Regulation** [1] - 242:10

**Regulations** [1] - 242:13

**regulations** [5] - 52:13, 54:10, 103:1, 210:14, 211:3

**reinvent** [1] - 193:14

**reiterate** [2] - 187:10, 201:6

**reiterated** [4] - 52:4, 52:10, 53:5, 53:19

**related** [6] - 37:1, 67:15, 68:8, 70:9, 111:3, 179:2

**related/grease** [1] - 37:1

**relates** [3] - 175:3, 232:17, 238:14

**relationship** [3] - 66:13, 126:16, 252:15

**relative** [1] - 53:11

**relatively** [1] - 118:5

**relay** [1] - 131:12

**relayed** [1] - 48:19

**relevant** [3] - 55:19, 72:13, 212:17

**remain** [3] - 118:2, 118:3, 261:5

**remained** [1] - 14:19

**remaining** [4] - 10:12, 139:7, 280:1, 280:9

**remains** [1] - 218:11

**remedy** [1] - 99:17

**remember** [5] - 26:15, 105:13, 179:9, 193:3, 216:1

**reminded** [1] - 43:17

remove [1] - 17:15  
removed [2] - 18:2, 18:4  
rendering [2] - 144:2, 271:14  
renderings [1] - 266:19  
renewed [1] - 73:10  
renovating [1] - 225:19  
renovation [1] - 223:8  
renovations [1] - 166:14  
rental [3] - 244:15, 246:1  
rented [1] - 259:10  
reopen [1] - 13:11  
repair [3] - 23:16, 24:2, 103:7  
repeat [1] - 91:10  
repeatedly [2] - 102:1, 267:7  
replicate [1] - 258:7  
repopulated [1] - 80:1  
report [13] - 7:8, 19:9, 37:7,  
51:12, 53:12, 68:19, 69:2, 79:3,  
92:7, 109:7, 109:15, 118:13, 153:7  
reported [3] - 40:19, 41:16, 111:12  
Reporter [1] - 295:14  
REPORTER [13] - 8:6, 17:3, 20:12,  
22:19, 23:4, 51:5, 75:7, 79:10,  
130:9, 130:11, 234:10, 279:8,  
295:18  
REPORTERS [1] - 1:18  
reporting [1] - 42:7  
reports [2] - 54:8, 55:13  
represent [2] - 159:5, 279:6  
representatives [1] - 261:7  
representing [2] - 234:9, 266:7  
REPRODUCTION [1] - 295:17  
reputable [1] - 205:3  
reputation [3] - 72:19, 203:7,  
261:14  
request [10] - 58:10, 58:19, 70:2,  
90:6, 104:6, 147:7, 149:18, 162:9,  
266:15, 267:19  
requested [4] - 6:2, 102:1, 104:7,  
110:10  
requesting [1] - 113:17  
requests [1] - 267:7  
require [2] - 70:16, 123:8  
required [1] - 142:11  
requirements [3] - 103:19, 162:14,

253:19  
resend [3] - 287:19, 288:3, 288:9  
reservations [1] - 250:9  
reserve [3] - 73:19, 74:1, 74:3  
resident [6] - 83:5, 132:6, 190:14,  
208:4, 215:19, 217:16  
residential [12] - 66:13, 111:17,  
115:6, 115:7, 118:4, 120:9, 124:3,  
185:8, 189:12, 202:3, 230:19,  
274:19  
residents [23] - 64:8, 64:17, 71:10,  
88:9, 88:13, 89:4, 89:17, 90:3,  
109:1, 109:9, 112:10, 116:14,  
117:14, 127:19, 132:10, 188:2,  
189:12, 208:18, 209:12, 216:4,  
218:7, 259:7, 268:14  
resolution [2] - 87:8, 91:2  
resolve [2] - 129:4, 129:11  
resolved [2] - 11:13, 14:13  
resources [2] - 119:15, 126:10  
respect [5] - 42:1, 127:18, 129:5,  
137:6, 138:13  
RESPECT [1] - 295:17  
respected [4] - 119:7, 128:2,  
138:18, 260:17  
respectful [1] - 87:2  
respectfully [2] - 115:11, 116:19  
respond [4] - 18:6, 18:8, 27:18,  
109:14  
responded [2] - 10:6, 30:15  
response [1] - 269:6  
responsibility [7] - 40:11, 40:12,  
42:15, 58:6, 58:15, 59:12, 246:15  
responsible [6] - 6:2, 16:3, 45:10,  
45:12, 45:13, 216:9  
Restaurant [6] - 62:14, 124:16,  
149:4, 149:16, 159:6, 159:7  
restaurant [102] - 5:9, 10:4, 11:13,  
11:17, 19:4, 21:5, 24:9, 24:11,  
24:14, 25:17, 26:19, 27:11, 27:18,  
27:19, 28:13, 29:15, 30:8, 30:12,  
32:17, 35:18, 42:6, 55:15, 61:1,  
62:17, 65:3, 65:18, 67:11, 67:13,  
68:9, 68:10, 70:13, 72:3, 72:14,  
76:4, 76:19, 77:16, 78:3, 78:6,  
78:14, 80:6, 82:7, 82:16, 87:3,

87:18, 89:5, 91:3, 93:18, 98:2,  
 98:4, 98:14, 100:15, 101:15,  
 102:15, 107:7, 107:17, 111:5,  
 111:7, 111:9, 112:7, 115:15,  
 120:13, 123:16, 123:18, 126:18,  
 128:10, 146:19, 149:6, 158:3,  
 165:18, 166:1, 169:17, 180:14,  
 186:2, 186:10, 186:12, 186:14,  
 186:18, 187:11, 187:15, 191:11,  
 206:3, 206:19, 207:2, 215:1,  
 218:10, 218:12, 219:7, 220:11,  
 224:16, 235:7, 236:8, 239:18,  
 252:4, 260:16, 265:19, 279:1,  
 280:12, 280:17, 289:1

**RESTAURANT** [2] - 2:8, 149:1

**restaurant's** [1] - 89:12

**restaurateur** [2] - 72:12, 186:17

**restaurateurs** [1] - 92:12

**restaurants** [20] - 75:15, 82:9,  
 82:11, 103:16, 111:14, 115:5,  
 120:14, 123:19, 171:15, 185:13,  
 185:19, 191:3, 191:8, 214:10,  
 214:16, 214:17, 217:17, 235:2,  
 289:4, 289:8

**restricted** [1] - 17:10

**restructure** [1] - 282:2

**restructured** [1] - 283:15

**restructuring** [1] - 279:17

**result** [6] - 41:13, 67:8, 69:5,  
 90:4, 210:16, 279:16

**retail** [4] - 172:2, 253:6, 261:16,  
 262:14

**retailer/restaurant** [1] - 63:6

**retired** [1] - 289:2

**return** [1] - 14:18

**returned** [1] - 246:3

**Revenue** [1] - 154:13

**review** [3] - 118:10, 217:2, 217:4

**reviewed** [1] - 67:19

**reviewing** [1] - 211:5

**reviews** [1] - 72:16

**revised** [1] - 269:6

**revisit** [1] - 221:12

**revoked** [1] - 211:9

**rid** [1] - 185:17

**ride** [1] - 165:13

**Rindge** [1] - 194:7

**rise** [1] - 43:19

**risk** [2] - 89:16, 97:11

**rival** [1] - 70:17

**River** [1] - 292:1

**RJ** [1] - 270:5

**road** [3] - 43:17, 172:1, 178:17

**Robert** [1] - 5:6

**ROBERT** [57] - 1:8, 45:15, 47:2,  
 59:7, 60:7, 60:10, 74:1, 122:2,  
 128:19, 144:17, 145:4, 145:9,  
 146:1, 146:9, 147:18, 148:13,  
 151:12, 156:3, 156:15, 157:14,  
 159:17, 160:11, 163:9, 164:6,  
 168:16, 169:10, 180:11, 180:19,  
 181:6, 181:10, 181:15, 182:7,  
 188:14, 222:19, 232:9, 233:10,  
 237:5, 237:9, 239:7, 241:1, 241:18,  
 248:15, 249:8, 250:7, 250:12,  
 251:10, 262:3, 265:9, 275:16,  
 278:13, 284:4, 285:9, 290:7,  
 291:10, 292:12, 293:7, 293:17

**Robichaud** [1] - 265:17

**rodents** [1] - 17:2

**RODERICK** [2] - 82:3, 82:4

**Roderick** [1] - 82:4

**Roebuck** [1] - 150:3

**role** [1] - 55:9

**roof** [4] - 10:10, 21:10, 111:2,  
 121:14

**rooftop** [2] - 64:2, 66:18

**Room** [2] - 1:12, 5:4

**ROOM** [2] - 2:6, 146:13

**room** [11] - 42:3, 146:16, 172:11,  
 172:14, 172:16, 178:4, 226:13,  
 227:3, 227:7, 227:10, 275:4

**route** [2] - 132:1, 218:15

**row** [2] - 183:15, 188:7

**Royal** [2] - 292:16, 293:2

**ROYAL** [2] - 3:8, 292:13

**RPM** [1] - 142:14

**rules** [6] - 28:3, 52:12, 54:10,  
 210:14, 281:6, 283:10

**Rules** [1] - 242:12

**run** [5] - 32:14, 82:10, 193:8,  
 258:17, 280:10

<b><u>runs</u></b> [4] - 186:18, 203:18, 205:2, 217:3	<b><u>scape</u></b> [1] - 261:1
<b><u>S</u></b>	<b><u>SCELFO</u></b> [2] - 125:18, 132:18
<b><u>S-A-C-K-S</u></b> [1] - 161:12	<b><u>Scelfo</u></b> [6] - 60:19, 61:16, 62:12, 67:9, 114:17, 118:2
<b><u>S-C-E-L-F-O</u></b> [1] - 61:17	<b><u>scelfo</u></b> [2] - 61:17, 125:16
<b><u>S-E-R-O-T-T-A</u></b> [1] - 187:5	<b><u>Scelfo's</u></b> [4] - 63:13, 68:13, 72:19, 82:9
<b><u>S-H-E-N-E-F-I-E-L-D</u></b> [1] - 286:10	<b><u>schedule</u></b> [3] - 58:8, 60:2, 66:1
<b><u>S-T-I-C-H-E-L</u></b> [1] - 171:1	<b><u>scheduled</u></b> [6] - 13:19, 14:3, 32:3, 52:7, 52:8, 162:2
<b><u>S-T-O-N-E</u></b> [1] - 77:14	<b><u>schedules</u></b> [1] - 101:13
<b><u>SACKS</u></b> [6] - 161:11, 161:15, 162:6, 162:10, 162:18, 164:10	<b><u>school</u></b> [1] - 194:7
<b><u>Sacks</u></b> [1] - 161:11	<b><u>School</u></b> [2] - 234:17, 235:16
<b><u>sadly</u></b> [1] - 229:6	<b><u>science</u></b> [2] - 102:10, 121:13
<b><u>safe</u></b> [5] - 16:1, 39:2, 43:13, 44:13, 45:3	<b><u>scoot</u></b> [1] - 182:10
<b><u>safer</u></b> [1] - 263:18	<b><u>Scotch</u></b> [1] - 200:1
<b><u>safety</u></b> [5] - 39:3, 48:10, 80:3, 103:18, 162:14	<b><u>scratch</u></b> [1] - 258:11
<b><u>sale</u></b> [1] - 215:2	<b><u>screaming</u></b> [1] - 185:16
<b><u>sales</u></b> [1] - 220:9	<b><u>screens</u></b> [1] - 201:12
<b><u>Salinas</u></b> [1] - 277:11	<b><u>se</u></b> [1] - 283:6
<b><u>Saloon</u></b> [1] - 195:16	<b><u>Sea</u></b> [1] - 172:8
<b><u>SAM</u></b> [3] - 75:5, 75:9, 75:10	<b><u>seafood</u></b> [1] - 80:6
<b><u>Sam</u></b> [3] - 75:6, 75:7, 75:9	<b><u>SEAN</u></b> [25] - 7:14, 8:15, 8:16, 18:7, 18:17, 20:10, 20:14, 23:18, 37:15, 40:13, 41:11, 42:5, 43:6, 44:3, 47:11, 48:8, 48:17, 49:9, 161:11, 161:12, 161:15, 162:6, 162:10, 162:18, 164:10
<b><u>SAME</u></b> [1] - 295:17	<b><u>Sean</u></b> [2] - 8:15, 161:11
<b><u>sanctions</u></b> [1] - 57:12	<b><u>searched</u></b> [1] - 112:6
<b><u>Sanders</u></b> [1] - 266:9	<b><u>Sears</u></b> [2] - 150:3, 255:7
<b><u>sanitary</u></b> [2] - 49:10, 49:12	<b><u>season</u></b> [1] - 273:1
<b><u>Sanitary</u></b> [2] - 17:17, 19:2	<b><u>seasonal</u></b> [2] - 266:2, 277:17
<b><u>sanitation</u></b> [2] - 40:3, 103:18	<b><u>seat</u></b> [5] - 7:15, 184:3, 268:5, 270:15, 270:17
<b><u>Sanitation</u></b> [1] - 48:15	<b><u>seated</u></b> [6] - 61:16, 218:11, 223:17, 267:14, 268:5
<b><u>sanitized</u></b> [1] - 17:10	<b><u>seater</u></b> [2] - 177:2, 227:12
<b><u>Sarah</u></b> [8] - 5:8, 51:16, 52:4, 53:1, 53:5, 53:15, 53:19, 205:15	<b><u>seating</u></b> [21] - 15:7, 61:5, 165:1, 166:16, 170:5, 176:15, 176:18, 220:14, 234:4, 240:14, 241:12, 252:5, 253:9, 265:2, 267:13, 271:3, 276:16, 277:1, 286:1, 290:1, 291:3
<b><u>SARAH</u></b> [2] - 205:15, 205:16	<b><u>seats</u></b> [9] - 4:15, 23:3, 74:12, 166:18, 172:16, 215:4, 220:13, 235:10, 253:10
<b><u>Sarah's</u></b> [2] - 53:8, 54:4	
<b><u>sash</u></b> [1] - 225:2	
<b><u>Saturday</u></b> [10] - 28:16, 61:5, 101:1, 170:5, 172:18, 188:17, 189:14, 252:7, 286:4, 290:4	
<b><u>Saturdays</u></b> [1] - 66:3	
<b><u>saw</u></b> [2] - 27:12, 108:14	
<b><u>scale</u></b> [1] - 238:3	
<b><u>scan</u></b> [1] - 246:11	

**second** [59] - 6:6, 15:10, 22:16, 34:6, 36:3, 37:5, 37:9, 46:17, 46:18, 60:6, 60:7, 69:9, 86:7, 109:17, 114:6, 141:14, 141:18, 143:19, 146:5, 146:6, 148:9, 148:10, 151:8, 151:9, 156:11, 156:12, 157:3, 157:4, 157:10, 157:11, 160:7, 160:8, 164:2, 164:3, 169:6, 169:7, 233:5, 233:7, 241:14, 241:15, 251:6, 251:7, 265:4, 265:5, 269:13, 277:19, 278:1, 278:7, 278:10, 285:5, 285:6, 291:6, 291:7, 292:7, 292:8, 293:4, 293:12, 293:13

**secondly** [1] - 209:9

**Secretary** [2] - 153:6, 165:11

**sections** [1] - 211:7

**see** [44] - 5:19, 6:18, 16:17, 30:6, 79:3, 83:1, 85:5, 88:14, 97:15, 119:14, 128:1, 128:11, 129:10, 132:7, 133:4, 134:14, 144:18, 174:2, 175:8, 176:4, 177:2, 179:1, 187:15, 196:8, 196:13, 197:8, 197:16, 202:6, 216:3, 218:15, 220:7, 222:3, 223:11, 224:9, 225:16, 238:13, 247:1, 247:16, 261:4, 263:16, 264:4, 275:3, 276:17

**seeing** [19] - 46:4, 60:1, 148:6, 156:8, 160:4, 163:14, 168:5, 169:2, 179:9, 205:7, 219:2, 241:9, 250:8, 251:1, 263:2, 264:16, 276:6, 284:19, 290:19

**seek** [1] - 70:5

**seeking** [7] - 76:3, 162:15, 162:19, 235:3, 242:12, 268:7, 279:13

**seem** [8] - 32:4, 37:1, 39:8, 56:4, 91:9, 92:12, 202:18, 228:12

**sees** [1] - 6:5

**selection** [2] - 114:7, 177:7

**selections** [3] - 105:9, 105:10, 105:11

**sell** [4] - 55:15, 72:12, 189:9, 253:6

**selling** [2] - 279:19, 280:1

**send** [9] - 129:18, 160:15, 219:12, 225:10, 226:1, 228:4, 228:7, 287:15, 288:5

**senior** [1] - 270:5

**Sensation** [4] - 164:14, 164:15, 169:4, 169:5

**SENSATION** [4] - 2:13, 2:13, 164:11, 164:11

**sense** [8] - 64:4, 104:10, 126:14, 134:2, 138:1, 141:12, 206:14, 229:2

**sent** [14] - 35:16, 104:17, 104:18, 106:8, 106:11, 109:9, 129:18, 135:11, 138:6, 140:4, 201:4, 219:15, 269:5

**sentence** [1] - 121:3

**separate** [5] - 15:16, 60:4, 131:3, 153:9, 162:9

**separated** [3] - 197:2, 270:7, 272:4

**September** [2] - 10:5, 162:3

**serialized** [1] - 245:17

**series** [4] - 15:2, 70:14, 123:19, 212:18

**serious** [3] - 93:14, 93:16, 126:9

**seriously** [1] - 40:9

**seriousness** [2] - 40:16, 46:11

**SEROTTA** [4] - 187:4, 230:12, 231:4, 232:1

**Serotta** [2] - 187:4, 230:12

**serve** [6] - 73:11, 174:9, 200:1, 203:3, 214:11, 249:6

**served** [12] - 46:14, 47:7, 103:12, 115:4, 164:19, 201:17, 214:14, 234:3, 249:1, 253:5, 258:5, 285:19

**servers** [1] - 223:15

**service** [4] - 257:12, 257:14, 274:9, 274:11

**serviced** [1] - 65:9

**services** [1] - 93:15

**Services** [10] - 16:11, 16:12, 17:12, 17:19, 18:11, 19:3, 49:1, 49:3, 247:4, 247:8

**serving** [5] - 206:19, 214:10, 220:11, 228:2, 237:18

**session** [2] - 180:16, 199:17

**set** [23] - 23:13, 26:11, 28:9, 47:16, 47:18, 48:6, 50:4, 101:19, 104:7, 130:16, 142:19, 156:18, 160:13, 164:9, 205:11, 220:15, 239:17, 242:2, 250:1, 265:10,

291:12, 295:8, 295:10  
sets [1] - 211:2  
settle [1] - 102:5  
setup [2] - 176:19, 231:6  
Seven [1] - 79:15  
seven [8] - 33:16, 46:12, 121:16,  
 150:19, 165:3, 234:5, 240:16,  
 257:14  
seven-day [1] - 46:12  
several [6] - 39:8, 43:3, 64:8,  
 133:4, 174:18, 211:7  
Shabana [7] - 5:8, 51:16, 53:1,  
 53:15, 54:15, 55:17, 56:13  
Shabana's [1] - 57:8  
share [5] - 109:2, 114:12, 117:10,  
 197:2, 197:10  
shared [8] - 66:17, 69:8, 112:14,  
 114:5, 116:7, 117:17, 119:3, 122:17  
shareholder [3] - 279:16, 279:18,  
 282:3  
shareholders [5] - 279:15, 280:1,  
 283:9, 283:18, 284:1  
shares [5] - 279:19, 280:2, 282:4,  
 283:19  
sharing [3] - 67:2, 118:13, 161:19  
SHAWN [14] - 286:8, 286:9, 286:14,  
 287:13, 287:17, 288:2, 288:7,  
 288:16, 288:19, 289:11, 289:17,  
 290:5, 290:13, 291:13  
Shawn [1] - 286:8  
SHEET [1] - 294:1  
sheet [2] - 294:3  
sheets [2] - 138:6, 138:7  
SHENEFIELD [13] - 286:8, 286:14,  
 287:13, 287:17, 288:2, 288:7,  
 288:16, 288:19, 289:11, 289:17,  
 290:5, 290:13, 291:13  
Shenefield [2] - 286:8, 286:9  
shielded [1] - 269:15  
shift [1] - 218:6  
shop [3] - 234:19, 235:1  
shopping [1] - 259:6  
Short [1] - 157:8  
short [3] - 106:3, 219:17, 228:18  
shortage [1] - 214:11  
Shorthand [1] - 295:14

shortly [2] - 11:1, 63:17  
show [8] - 31:5, 65:16, 74:6, 134:8,  
 177:5, 221:2, 243:11  
showed [8] - 14:6, 14:7, 30:14,  
 31:2, 31:4, 31:7, 94:11, 173:17  
showing [1] - 67:6  
shows [1] - 206:13  
shut [14] - 11:12, 13:10, 14:10,  
 25:16, 25:18, 26:2, 26:8, 28:2,  
 28:3, 28:14, 29:17, 30:3, 30:4  
sic [3] - 91:13, 175:11, 222:6  
sic) [1] - 107:7  
side [19] - 50:1, 66:10, 77:17,  
 137:11, 175:6, 177:1, 177:2,  
 182:10, 185:6, 185:8, 197:5, 197:7,  
 209:4, 209:5, 217:11, 226:13,  
 227:5, 254:14, 276:12  
sidewalk [3] - 212:1, 266:2, 267:12  
sign [4] - 27:14, 32:4, 175:10,  
 225:4  
Sign [1] - 294:3  
signage [1] - 17:1  
signatures [6] - 71:9, 71:12, 71:19,  
 72:1, 116:11, 268:16  
signed [6] - 17:17, 34:5, 84:2,  
 179:8, 268:13, 268:14  
significant [17] - 10:8, 20:1, 20:6,  
 34:2, 36:3, 39:9, 43:3, 43:5, 43:7,  
 43:16, 44:11, 57:12, 64:12, 67:1,  
 71:19, 112:16, 113:8  
significantly [2] - 68:19, 120:13  
signify [22] - 47:1, 60:9, 146:8,  
 148:12, 151:11, 156:14, 157:6,  
 157:13, 160:10, 164:5, 169:9,  
 233:9, 241:17, 251:9, 265:7, 278:3,  
 278:12, 285:8, 291:9, 292:10,  
 293:6, 293:15  
signoff [5] - 167:3, 179:4, 180:6,  
 268:19, 287:11  
signoffs [2] - 179:1, 179:3  
silence [1] - 4:6  
similar [7] - 46:15, 63:15, 176:19,  
 209:17, 253:6, 256:3, 287:7  
similarly [2] - 68:14, 258:7  
simple [2] - 253:6, 271:2  
simply [2] - 110:6, 112:19

**Sincerely** [1] - 108:9  
**singed** [1] - 36:10  
**single** [2] - 20:7, 191:12  
**siren** [1] - 27:15  
**sister** [1] - 244:16  
**sisters** [1] - 248:2  
**sit** [6] - 63:9, 64:19, 74:11, 222:13, 284:9, 285:2  
**sit-down** [1] - 63:9  
**site** [6] - 49:7, 253:5, 256:11, 269:5, 274:8  
**sitting** [4] - 197:18, 215:5, 229:11, 269:14  
**situation** [8] - 41:4, 69:5, 83:16, 83:17, 84:16, 92:8, 134:17, 209:17  
**situations** [1] - 39:15  
**six** [12] - 47:10, 147:8, 155:17, 190:15, 194:2, 217:2, 217:4, 221:12, 227:5, 270:9, 270:11, 289:11  
**six-month** [2] - 217:2, 221:12  
**size** [4] - 78:6, 178:6, 235:9, 256:3  
**SKY** [2] - 2:13, 164:11  
**Sky** [3] - 164:15, 165:16, 169:4  
**skylight** [6] - 10:10, 10:11, 10:13, 15:6, 36:5  
**slats** [3] - 175:8, 175:9, 271:1  
**slight** [1] - 267:18  
**slightly** [2] - 6:2, 181:12  
**small** [6] - 22:4, 35:14, 107:7, 194:2, 227:5, 235:11  
**smaller** [3] - 172:15, 177:1, 271:8  
**smiles** [1] - 107:16  
**smoking** [1] - 197:14  
**smothered** [1] - 94:5  
**smothers** [1] - 94:5  
**social** [1] - 208:15  
**soft** [1] - 249:7  
**soften** [1] - 271:11  
**sold** [3] - 164:19, 234:3, 285:19  
**solvable** [1] - 114:4  
**solve** [2] - 96:13, 135:13  
**someone** [16] - 4:10, 43:15, 44:15, 45:1, 45:8, 55:14, 56:6, 57:6, 121:8, 134:11, 205:5, 208:9, 218:4,

220:13, 272:13, 274:5  
**Somerville** [2] - 195:15, 236:15  
**sometimes** [2] - 39:7, 111:16  
**somewhat** [4] - 6:14, 82:19, 129:8, 206:8  
**somewhere** [2] - 177:18, 195:5  
**Son** [1] - 291:18  
**SON** [2] - 3:6, 291:14  
**sooner** [1] - 139:5  
**Sorry** [1] - 165:11  
**sorry** [20] - 8:6, 22:6, 24:1, 24:5, 27:2, 35:12, 62:1, 62:8, 82:8, 85:19, 89:1, 98:9, 104:9, 139:13, 216:1, 216:19, 234:12, 247:8, 255:11  
**sort** [3] - 203:10, 206:13, 253:17  
**sort've** [6] - 78:8, 132:16, 134:18, 191:1, 206:11, 246:5  
**sound** [17] - 41:12, 54:17, 68:1, 87:15, 94:2, 94:11, 94:14, 108:5, 109:14, 110:16, 111:11, 114:9, 131:3, 131:15, 132:6, 181:17, 222:5  
**sounding** [2] - 34:12  
**soundproofed** [1] - 175:16  
**soundproofing** [2] - 176:1, 188:19  
**sounds** [6] - 41:1, 56:8, 108:3, 137:7, 181:13, 200:3  
**source** [5] - 70:10, 98:13, 101:8, 111:6, 114:8  
**sourced** [1] - 112:14  
**sources** [1] - 100:11  
**south** [1] - 77:17  
**space** [12] - 64:19, 70:15, 71:2, 161:18, 171:13, 253:15, 260:19, 271:8, 272:18, 273:6, 277:4, 277:6  
**spaces** [6] - 65:16, 161:1, 161:19, 163:17, 172:2, 259:10  
**speakers** [1] - 109:6  
**speaking** [4] - 5:18, 106:18, 207:19, 262:13  
**speaks** [3] - 109:16, 192:12, 193:11  
**spec** [1] - 138:6  
**Special** [2] - 161:16, 163:1  
**special** [2] - 210:16, 243:9  
**specialist** [1] - 96:7  
**specific** [2] - 20:16, 142:11

**specifically** [9] - 13:2, 15:6, 58:14, 132:9, 145:13, 217:18, 231:7, 268:2, 269:7

**specifications** [1] - 101:13

**specifics** [1] - 267:1

**specified** [1] - 139:16

**specifying** [1] - 142:16

**speed** [3] - 95:9, 134:11, 136:13

**spell** [12] - 51:5, 51:7, 75:7, 77:12, 79:10, 130:11, 130:12, 149:11, 170:15, 184:4, 234:10, 279:9

**spelled** [1] - 161:11

**spelling** [13] - 8:2, 76:13, 77:9, 85:8, 90:12, 152:16, 159:1, 161:9, 165:7, 242:19, 252:11, 270:1, 286:7

**spend** [4] - 79:17, 119:15, 191:7, 225:18

**spending** [2] - 67:2, 143:9

**spends** [1] - 55:2

**spent** [5] - 87:7, 101:17, 109:1, 126:10, 191:2

**SPICE/NEW** [2] - 3:7, 291:14

**Spice/New** [1] - 291:19

**split** [1] - 172:12

**spoken** [1] - 98:1

**Sports** [1] - 195:16

**sports** [8] - 173:7, 177:5, 195:5, 195:8, 198:3, 201:12, 203:5, 203:7

**spot** [4] - 39:11, 62:6, 77:3, 176:9

**spotless** [1] - 39:12

**Square** [29] - 62:15, 63:2, 107:5, 123:17, 171:5, 171:14, 184:7, 184:12, 185:6, 189:8, 190:14, 190:15, 191:3, 191:6, 194:1, 194:3, 195:14, 196:3, 199:7, 201:17, 204:18, 214:8, 217:18, 221:5, 231:4, 236:8, 236:9, 236:15, 237:2

**square** [3] - 193:14, 256:12, 262:19

**squared** [1] - 162:17

**squeezing** [1] - 29:14

**ss** [1] - 295:4

**staff** [3] - 176:17, 272:17, 274:4

**STAFF** [1] - 1:10

**stairs** [3] - 9:8, 9:19, 10:2

**stand** [7] - 4:12, 7:11, 7:16, 62:1,

62:6, 218:13, 263:5

**stand-up** [1] - 218:13

**Standard** [1] - 172:7

**standard** [2] - 117:1, 203:18

**standing** [5] - 154:3, 154:10, 183:14, 183:19, 188:5

**stands** [2] - 230:5, 243:8

**STAR** [2] - 3:3, 265:13

**Star** [4] - 158:7, 265:17, 276:10, 277:18

**start** [15] - 9:2, 21:1, 74:13, 100:17, 107:18, 114:16, 136:4, 183:19, 192:3, 208:7, 213:8, 230:4, 235:12, 240:11, 253:12

**started** [3] - 4:5, 20:2, 253:14

**starting** [2] - 199:16, 255:16

**starts** [1] - 100:18

**State** [1] - 153:7

**state** [17] - 8:2, 83:19, 85:7, 90:11, 103:1, 130:6, 152:16, 161:8, 165:5, 228:10, 237:14, 242:19, 252:11, 261:15, 270:1, 279:8, 286:6

**state-of-the-art** [1] - 83:19

**statement** [2] - 57:15, 122:9

**statement(s** [1] - 294:12

**stating** [2] - 155:4, 261:12

**station** [2] - 11:10, 36:15

**stations** [1] - 10:15

**status** [8] - 53:4, 60:5, 147:2, 147:7, 148:7, 149:8, 151:6, 267:8

**statute** [1] - 248:13

**statutes** [1] - 212:3

**stay** [4] - 14:13, 14:14, 15:12, 176:8

**stayed** [3] - 192:7, 192:8, 272:6

**staying** [1] - 224:2

**stays** [2] - 223:5, 274:5

**Steelers** [1] - 195:8

**steer** [1] - 102:6

**Stein** [1] - 198:17

**STEPHEN** [2] - 200:18, 200:19

**Stephen** [1] - 200:19

**steps** [2] - 128:11, 197:18

**Steve** [2] - 285:15, 289:18

**STEVEN** [2] - 214:1, 214:2

- Steven** [1] - 214:2
- STICHEL** [2] - 170:18, 221:8
- Stichel** [1] - 170:19
- still** [27] - 11:3, 11:4, 11:18, 12:10, 24:14, 31:19, 32:19, 38:7, 43:16, 52:4, 53:5, 53:19, 54:15, 74:12, 98:12, 114:19, 123:1, 126:11, 138:9, 141:5, 144:14, 167:2, 168:5, 171:9, 212:14, 259:2, 272:5
- stock** [5] - 279:4, 282:4, 282:12, 283:8, 283:14
- Stock** [2] - 158:6, 158:7
- stockholder** [1] - 279:3
- Stockholder** [1] - 158:6
- stockholders** [1] - 280:2
- stockowners** [1] - 280:3
- stocks** [2] - 283:8, 283:16
- STONE** [4] - 77:7, 77:11, 77:14, 78:2
- Stone** [2] - 77:11, 286:15
- stop** [5] - 4:10, 23:10, 68:15, 73:14, 231:2
- stops** [2] - 53:6, 54:2
- storage** [1] - 17:7
- store** [4] - 107:4, 117:16, 237:3, 289:19
- storefronts** [2] - 79:19, 82:17
- story** [2] - 32:12, 54:7
- straight** [1] - 44:12
- straightforward** [2] - 235:18, 287:6
- strain** [1] - 84:18
- strategy** [1] - 237:19
- Stratton** [2] - 158:5, 159:12
- street** [15] - 75:19, 84:14, 91:14, 150:2, 185:8, 188:1, 190:7, 191:13, 199:13, 222:6, 231:5, 231:10, 235:16, 261:1, 276:12
- STREET** [4] - 2:14, 3:2, 169:13, 265:13
- Street** [82] - 5:10, 62:19, 64:17, 71:16, 71:17, 71:18, 75:10, 77:15, 78:2, 78:12, 80:12, 82:5, 83:8, 84:11, 85:16, 90:16, 93:12, 97:18, 106:18, 107:1, 107:3, 146:19, 158:4, 164:17, 165:16, 169:3, 169:15, 169:19, 172:11, 175:7, 175:12, 184:19, 185:7, 185:9, 185:10, 185:12, 187:6, 188:10, 194:16, 198:15, 199:7, 201:1, 201:15, 201:16, 205:17, 205:18, 207:7, 208:4, 209:4, 214:3, 214:8, 214:14, 217:17, 224:11, 224:12, 224:14, 226:9, 228:12, 230:13, 234:1, 234:16, 241:12, 254:17, 261:15, 262:17, 263:14, 263:18, 265:16, 265:19, 276:14, 276:18, 277:3, 277:7, 277:17, 292:1, 293:1
- street-side** [1] - 276:12
- streets** [2] - 71:15, 210:10
- streetscape** [2] - 262:1, 276:18
- stress** [1] - 126:13
- stretch** [2] - 63:1, 120:14
- strip** [1] - 23:14
- strip-up** [1] - 23:14
- strong** [2] - 203:7, 211:2
- struck** [1] - 206:4
- structurally** [1] - 287:1
- structures** [1] - 118:4
- struggles** [1] - 15:19
- stuck** [1] - 158:14
- Student** [1] - 249:12
- students** [3] - 244:15, 247:16, 248:1
- studies** [1] - 119:16
- study** [5] - 94:10, 95:4, 95:11, 95:12, 209:12
- stuff** [5] - 40:1, 97:7, 138:7, 194:9, 195:13
- stuffed** [1] - 10:1
- stunning** [1] - 206:8
- style** [2] - 64:6, 271:9
- sub** [1] - 235:1
- subcontractors** [1] - 103:3
- subject** [7] - 141:3, 141:16, 142:6, 144:1, 167:2, 211:9, 278:5
- subjects** [1] - 143:1
- submit** [4] - 57:14, 268:11, 281:16, 288:13
- submitted** [6] - 63:11, 72:15, 211:6, 214:4, 238:17, 287:18
- submitting** [1] - 71:9
- subscribe** [1] - 294:12
- subsequently** [1] - 267:18

**successes** [1] - 63:14  
**successful** [6] - 44:13, 62:14, 83:2, 203:16, 204:9, 261:5  
**SUDIP** [2] - 286:11  
**Sudip** [1] - 286:11  
**suffered** [2] - 36:9, 44:10  
**suffering** [1] - 158:15  
**sufficient** [3] - 59:10, 89:18, 155:7  
**suggest** [7] - 57:2, 59:11, 65:6, 72:17, 113:8, 116:19, 138:16  
**suggested** [3] - 122:17, 228:4, 288:12  
**suggesting** [2] - 121:11, 228:12  
**suggestion** [2] - 119:12, 137:10  
**suggestions** [1] - 119:10  
**suggests** [1] - 121:14  
**suited** [1] - 65:6  
**suits** [1] - 194:3  
**sum** [1] - 89:17  
**summarize** [1] - 213:7  
**summer** [1] - 147:7  
**Sunday** [11] - 28:16, 61:5, 100:9, 101:1, 101:5, 115:4, 170:3, 180:17, 252:8, 286:3, 290:3  
**Sundays** [2] - 66:3, 107:18  
**support** [24] - 71:8, 71:10, 76:2, 76:19, 77:1, 82:7, 116:11, 129:13, 174:19, 190:19, 191:15, 194:19, 198:1, 203:15, 204:17, 231:13, 231:15, 260:9, 260:11, 261:11, 268:10, 268:12, 276:10, 277:1  
**supported** [1] - 35:8  
**supporting** [1] - 266:13  
**supportive** [1] - 264:11  
**supports** [4] - 260:14, 260:16, 261:3, 271:18  
**supposed** [3] - 24:9, 193:4, 245:1  
**suppression** [1] - 10:16  
**surely** [1] - 78:18  
**surface** [1] - 161:18  
**surprise** [1] - 229:4  
**surprising** [1] - 208:11  
**surrender** [1] - 287:9  
**survey** [1] - 65:16  
**surviving** [1] - 187:11

**SUSAN** [1] - 80:10  
**Susan** [1] - 80:11  
**suspended** [1] - 211:9  
**suspension** [1] - 46:13  
**suspicious** [1] - 248:5  
**swap** [1] - 4:12  
**switch** [2] - 23:1, 195:18  
**switching** [1] - 23:3  
**Syracuse** [2] - 195:12  
**system** [45] - 10:16, 12:7, 12:10, 13:12, 13:16, 15:12, 26:17, 27:16, 28:18, 28:19, 29:3, 30:13, 31:6, 31:10, 31:19, 32:6, 32:19, 33:19, 48:7, 50:1, 67:10, 67:14, 68:5, 68:6, 68:17, 69:5, 69:7, 89:15, 98:14, 101:14, 111:8, 111:10, 111:11, 112:2, 112:9, 112:11, 112:12, 112:13, 117:2, 122:15, 224:4, 249:14, 256:3  
**systems** [4] - 87:17, 89:12, 98:19, 136:11

## T

**T-H-O-M-P-S-O-N** [1] - 75:10  
**T-R-E-A-N-O-R** [1] - 170:17  
**table** [5] - 7:16, 190:3, 215:4, 248:3, 271:9  
**tables** [5] - 101:13, 177:16, 177:17, 244:12, 271:7  
**Taco** [2] - 265:17, 277:18  
**TACO** [2] - 3:3, 265:13  
**Tadesse** [1] - 51:19  
**Tai** [1] - 278:19  
**take-aways** [1] - 218:3  
**tall** [1] - 22:3  
**tanks** [2] - 161:2, 163:18  
**tape** [1] - 61:8  
**target** [1] - 243:12  
**task** [1] - 209:19  
**Taski** [1] - 162:13  
**taxes** [1] - 154:11  
**team** [2] - 192:5, 256:7  
**tech** [1] - 263:1  
**technically** [1] - 215:14  
**ten** [2] - 191:6, 268:17

**tenant** [3] - 64:5, 122:19, 186:13  
**tenants** [1] - 186:12  
**tenure** [1] - 125:4  
**term** [2] - 73:11, 100:17  
**terminate** [1] - 119:13  
**termination** [1] - 126:3  
**terms** [16] - 6:13, 28:11, 73:6, 120:8, 125:6, 129:2, 129:16, 177:13, 180:1, 187:14, 201:18, 231:6, 244:10, 272:14, 273:11, 274:3  
**terrible** [2] - 185:1, 187:13  
**Tesfaye** [5] - 51:18, 53:3, 53:7, 53:17, 54:3  
**Tesfaye's** [1] - 51:19  
**test** [2] - 14:16, 100:3  
**tested** [1] - 12:10  
**testified** [1] - 85:2  
**testimony** [3] - 74:17, 116:10, 183:13  
**testing** [5] - 47:15, 47:17, 47:19, 48:7, 103:9  
**tests** [1] - 94:14  
**Thai** [4] - 164:14, 164:15, 169:4, 169:5  
**THAI** [4] - 2:13, 2:13, 164:11, 164:11  
**Thanh** [1] - 279:3  
**THE** [17] - 1:18, 8:6, 17:3, 20:12, 22:19, 23:4, 51:5, 75:7, 79:10, 130:9, 130:11, 234:10, 279:8, 295:16, 295:17, 295:17, 295:18  
**the..** [1] - 178:6  
**theirs** [2] - 102:4, 138:17  
**theme** [2] - 186:14, 235:7  
**themselves** [1] - 71:14  
**therefor** [1] - 294:2  
**therefore** [1] - 92:17  
**thermometers** [1] - 16:19  
**Theta** [1] - 242:9  
**THETA** [2] - 2:17, 242:5  
**they've** [3] - 145:1, 218:9, 262:18  
**thinking** [3] - 120:7, 137:11, 177:14  
**thinks** [1] - 277:12  
**third** [2] - 36:8, 37:10

**THIS** [1] - 295:16  
**THOMAS** [13] - 152:14, 152:18, 152:19, 153:3, 154:7, 155:8, 155:12, 155:15, 156:19, 191:19, 193:18, 212:6, 213:1  
**Thomas** [4] - 152:9, 152:18, 192:2  
**THOMPSON** [2] - 75:5, 75:9  
**Thompson** [2] - 75:6, 75:9  
**Thorndike** [1] - 255:4  
**thoughts** [1] - 222:17  
**three** [27] - 15:16, 16:2, 19:15, 19:16, 33:16, 34:14, 35:9, 36:16, 36:19, 39:17, 40:18, 41:17, 42:3, 54:8, 59:9, 106:13, 161:4, 161:18, 164:1, 210:17, 219:16, 225:1, 270:14, 289:13, 289:15  
**thrive** [1] - 187:15  
**throughout** [5] - 32:8, 110:12, 113:16, 119:6, 209:4  
**throw** [1] - 189:3  
**Thursday** [5] - 119:2, 170:4, 172:18, 286:3, 290:3  
**ticked** [1] - 211:11  
**ticket** [2] - 247:15, 248:3  
**tickets** [2] - 245:8, 245:9  
**TIFFANY** [3] - 170:18, 171:1, 221:8  
**Tiffany** [1] - 170:19  
**TIME** [1] - 1:15  
**timely** [1] - 87:10  
**timing** [4] - 125:13, 125:14, 127:11  
**TIMOTHY** [2] - 203:13, 203:14  
**Timothy** [2] - 198:17, 203:14  
**TO** [1] - 295:17  
**today** [4] - 69:2, 150:14, 175:17, 204:17  
**together** [12] - 29:8, 31:1, 102:4, 131:7, 134:18, 135:12, 139:5, 140:9, 142:13, 144:12, 192:16, 289:16  
**toilets** [1] - 17:1  
**Tom** [1] - 8:18  
**tomorrow** [1] - 228:8  
**TON** [1] - 169:18  
**tonight** [8] - 34:18, 72:5, 103:15, 113:17, 159:13, 171:12, 262:14, 288:9

**tons** [1] - 178:4  
**took** [9] - 15:2, 21:4, 29:7, 52:18, 69:12, 99:13, 99:17, 153:5, 193:5  
**Toomey** [2] - 261:3, 276:19  
**top** [2] - 173:8, 220:15  
**Toste** [1] - 266:9  
**total** [2] - 132:4, 170:5  
**totally** [7] - 72:14, 134:3, 172:15, 189:6, 190:6, 219:5, 223:11  
**touch** [1] - 110:16  
**towards** [3] - 112:4, 230:8, 232:5  
**track** [6] - 211:13, 211:15, 212:16, 216:9, 220:2, 245:17  
**Trader** [1] - 280:19  
**traditionally** [1] - 195:13  
**traffic** [9] - 78:8, 78:11, 79:19, 80:5, 84:11, 88:10, 89:8, 187:12, 212:2  
**trail** [1] - 110:4  
**trained** [1] - 244:15  
**training** [3] - 52:11, 53:11, 54:9  
**trangent** [1] - 91:13  
**tranquility** [1] - 73:12  
**transacted** [1] - 245:6  
**transaction** [2] - 147:10, 282:1  
**transcript** [3] - 294:2, 294:11, 294:12  
**TRANSCRIPT** [1] - 295:16  
**transfer** [7] - 58:2, 279:4, 281:7, 282:10, 282:15, 283:3, 283:6  
**Transfer** [1] - 158:6  
**transferee** [1] - 147:11  
**transferrable** [2] - 281:18, 282:9  
**transferred** [5] - 245:8, 281:10, 281:12, 283:17, 284:1  
**transferring** [1] - 283:8  
**transformation** [1] - 75:14  
**transportation** [3] - 17:7, 201:18, 201:19  
**trash** [3] - 65:4, 66:7, 120:12  
**travel** [1] - 268:3  
**Treanor** [8] - 169:16, 170:13, 190:17, 192:4, 202:17, 203:15, 228:15, 229:3  
**TREANOR** [38] - 170:13, 170:17,

171:4, 175:5, 176:16, 177:14, 178:3, 178:9, 178:15, 179:4, 179:10, 179:14, 180:5, 180:15, 181:3, 181:8, 181:12, 181:18, 182:14, 182:19, 183:3, 183:6, 183:9, 219:3, 222:1, 222:16, 223:5, 223:9, 223:14, 224:2, 224:10, 226:18, 229:18, 231:3, 231:17, 232:3, 233:3, 233:14  
**Treanor's** [2] - 193:7, 204:16  
**treasurer** [1] - 153:5  
**treatment** [1] - 36:12  
**tremendous** [1] - 277:13  
**Tremont** [25] - 175:6, 175:12, 184:18, 185:9, 185:12, 187:6, 188:9, 194:15, 198:15, 199:7, 199:14, 201:1, 201:15, 205:16, 205:18, 207:7, 208:4, 209:4, 214:3, 215:14, 224:11, 224:13, 226:9, 228:12, 230:13  
**tried** [7] - 28:17, 30:5, 71:8, 80:18, 113:11, 219:15, 229:13  
**Trinity** [1] - 171:15  
**trouble** [4] - 12:3, 197:8, 197:9, 230:1  
**trucks** [2] - 10:5, 10:7  
**true** [5] - 123:4, 141:5, 186:2, 200:6, 295:9  
**trustee** [1] - 277:11  
**truth** [3] - 31:13, 32:5, 35:7  
**try** [7] - 69:13, 81:7, 91:9, 96:13, 111:18, 128:12, 128:15  
**trying** [11] - 15:19, 36:11, 41:11, 126:17, 174:15, 193:9, 194:19, 220:5, 221:3, 230:8, 285:3  
**Tua** [1] - 211:17  
**Tuesday** [5] - 1:14, 5:2, 29:1, 138:9, 151:14  
**turn** [4] - 90:5, 166:13, 192:7, 224:8  
**turned** [3] - 84:3, 115:2, 219:16  
**turns** [1] - 142:15  
**Tutoring** [1] - 173:12  
**TV** [1] - 201:11  
**TVs** [2] - 61:11, 170:11  
**two** [45] - 9:7, 12:16, 15:17, 19:4,

20:3, 21:4, 24:8, 33:15, 40:18,  
46:14, 46:16, 47:7, 61:11, 64:12,  
74:11, 75:2, 75:12, 78:4, 86:4,  
93:7, 94:8, 96:1, 100:2, 105:2,  
109:16, 111:1, 129:13, 132:7,  
135:12, 136:14, 140:9, 142:17,  
145:13, 172:2, 177:17, 178:9,  
183:15, 186:12, 187:7, 205:19,  
208:19, 216:5, 247:3, 280:2, 291:16

**Tyler** [1] - 158:5

**type** [4] - 41:17, 65:7, 138:7,  
210:12

**types** [2] - 200:5, 235:2

**typically** [2] - 224:6, 273:9

u

**UC** [4] - 3:5, 285:11, 285:14, 291:1

**ugly** [1] - 227:18

**Ultimate** [1] - 292:17

**ULTIMATE** [2] - 3:9, 292:13

**unable** [5] - 24:12, 24:17, 107:19,  
108:1, 108:4

**unacceptable** [2] - 189:4, 190:6

**unaware** [2] - 72:11, 261:8

**unbiased** [1] - 87:16

**uncertain** [1] - 91:5

**uncommon** [1] - 57:5

**under** [11] - 24:15, 39:5, 150:1,  
162:1, 216:10, 228:15, 281:6,  
283:10, 283:17, 283:18

**UNDER** [1] - 295:17

**understood** [3] - 37:4, 70:2, 141:7

**unfortunate** [1] - 96:9

**unfortunately** [6] - 15:2, 24:10,  
87:9, 159:12, 186:13, 288:8

**unhappy** [1] - 28:6

**UNIDENTIFIED** [1] - 120:2

**unit** [4] - 112:7, 114:7, 254:16,  
255:1

**Unit** [2] - 103:6, 112:1

**units** [3] - 161:18, 255:15, 274:19

**unless** [1] - 180:16

**UNLESS** [1] - 295:17

**unlike** [1] - 66:11

**unobstructed** [1] - 15:9

**unreasonable** [1] - 113:15

**unreasonably** [1] - 113:19

**unsigned** [1] - 240:8

**unsuccessful** [1] - 72:10

**unsure** [1] - 154:6

**unwillingness** [1] - 138:12

**up** [79] - 8:9, 9:8, 11:5, 14:6,  
14:7, 23:14, 25:11, 26:11, 27:16,  
27:17, 28:19, 29:2, 30:14, 31:2,  
31:5, 31:8, 47:16, 47:18, 48:6,  
49:9, 52:18, 66:9, 76:17, 77:19,  
80:13, 84:14, 85:18, 95:9, 96:1,  
105:2, 106:2, 117:5, 123:19,  
125:13, 127:15, 128:9, 133:4,  
134:10, 135:10, 151:3, 151:7,  
167:17, 167:18, 172:12, 172:15,  
173:15, 175:13, 175:14, 176:2,  
176:13, 181:8, 183:13, 183:14,  
185:17, 189:13, 192:13, 195:15,  
196:10, 198:10, 205:11, 209:6,  
218:13, 219:16, 220:15, 223:14,  
223:15, 224:14, 225:2, 239:17,  
255:16, 256:8, 259:7, 263:6, 271:1,  
271:12, 272:1, 282:12, 283:6

**update** [1] - 153:15

**updated** [1] - 153:8

**updating** [1] - 153:6

**upgrade** [1] - 167:9

**UPPER** [2] - 3:5, 285:11

**Upper** [4] - 285:15, 289:5, 289:10,  
291:2

**ups** [1] - 197:16

**upset** [2] - 13:10, 195:3

**upstairs** [1] - 262:19

**useful** [1] - 81:13

**uses** [13] - 63:4, 64:3, 64:7, 66:14,  
70:14, 111:4, 111:17, 116:17,  
123:4, 123:10, 123:13, 124:2

**utilities** [2] - 273:12

**utility** [1] - 273:18

**utilization** [1] - 65:15

**utilized** [2] - 55:11, 276:17

v

**vacant** [2] - 82:17, 205:7

**vacuum** [1] - 263:7

**valet** [1] - 122:15

**validity** [1] - 88:7  
**value** [7] - 71:7, 75:15, 83:4, 196:16, 198:2, 281:3, 281:6  
**valve** [6] - 23:18, 24:3, 29:4, 37:15, 37:16, 41:14  
**vanilla** [1] - 253:16  
**variety** [1] - 259:5  
**various** [7] - 52:1, 53:6, 54:2, 65:2, 107:10, 166:4, 235:2  
**vast** [1] - 224:17  
**vastly** [1] - 80:2  
**vehicles** [3] - 65:11, 161:4, 164:1  
**ventilate** [2] - 36:4, 101:3  
**ventilated** [1] - 36:5  
**ventilating** [2] - 10:10, 113:5  
**ventilation** [4] - 67:12, 98:14, 113:6, 256:13  
**venting** [4] - 41:15, 107:9, 112:11, 290:13  
**Venture** [1] - 169:18  
**venture** [1] - 182:2  
**venue** [2] - 65:6, 212:14  
**veracity** [1] - 79:1  
**verbal** [2] - 249:10, 249:11  
**verify** [1] - 134:10  
**vermin** [1] - 16:18  
**versus** [4] - 180:3, 221:9, 281:14, 282:6  
**via** [2] - 80:1  
**vibrancy** [1] - 75:18  
**vibrant** [1] - 261:1  
**vic** [1] - 286:19  
**victim** [1] - 36:13  
**victimized** [1] - 126:15  
**Victualer** [1] - 7:6  
**victualer** [6] - 164:16, 166:3, 233:19, 285:16, 291:19, 292:19  
**victualer's** [1] - 235:3  
**videotaped** [1] - 4:17  
**view** [2] - 123:15, 269:15  
**VINCENT** [9] - 149:10, 149:13, 149:14, 149:17, 150:5, 150:10, 150:13, 151:14, 152:2  
**Vincent** [1] - 149:13  
**vinyl** [1] - 253:17

**violation** [4] - 15:17, 16:17, 43:7, 212:3  
**violations** [14] - 15:3, 18:12, 18:18, 33:17, 33:19, 48:10, 48:14, 48:18, 49:12, 108:5, 211:19, 212:5, 212:19, 216:11  
**visibly** [1] - 249:4  
**visit** [3] - 53:16, 219:7, 269:5  
**visited** [1] - 186:19  
**voice** [2] - 28:7, 77:1  
**volcanic** [1] - 158:14  
**vote** [5] - 113:17, 125:10, 144:9, 145:19, 222:15  
**voted** [2] - 173:8, 210:17  
**votes** [1] - 129:17  
**vouch** [1] - 194:10

**W**

**W-A-R-N-E-R** [1] - 203:14  
**W-E-L-L-O-N-S** [2] - 93:8, 97:18  
**Wahoo** [1] - 278:18  
**WAHOO** [2] - 3:4, 278:16  
**wait** [1] - 144:12  
**waited** [2] - 14:15, 32:6  
**waiting** [4] - 27:3, 72:5, 249:15, 269:6  
**waitperson** [1] - 274:7  
**waiver** [1] - 154:9  
**WALBA** [7] - 273:14, 273:19, 274:7, 274:13, 275:1, 275:6, 275:13  
**walk** [9] - 9:19, 12:4, 26:12, 117:18, 123:9, 191:13, 227:15, 231:5, 267:1  
**walk-in** [1] - 117:18  
**walk-through** [1] - 267:1  
**walked** [8] - 21:8, 22:11, 24:19, 26:12, 27:10, 27:11, 65:1, 227:6  
**Walker** [1] - 243:17  
**walking** [1] - 199:7  
**wall** [2] - 17:8, 114:9  
**wants** [1] - 125:17  
**war** [1] - 188:16  
**WARNER** [1] - 203:13  
**Warner** [1] - 203:14  
**warrants** [1] - 116:18

wash [1] - 50:1  
waste [1] - 131:13  
wasted [1] - 104:10  
watch [2] - 191:14, 216:15  
watched [1] - 75:13  
watching [3] - 201:12, 229:12,  
 244:19  
water [1] - 249:7  
Water [1] - 280:15  
Watertown [1] - 289:14  
Waypoint [2] - 60:18, 80:6  
WAYPOINT [2] - 2:5, 60:14  
ways [2] - 73:9, 115:14  
weather [1] - 273:8  
website [1] - 210:15  
Wednesday [1] - 170:3  
wee [1] - 225:14  
week [13] - 29:7, 66:9, 68:12, 97:1,  
 102:12, 121:16, 139:18, 165:3,  
 229:1, 234:5, 240:16, 250:8, 257:14  
weekends [2] - 68:14, 102:16  
weekly [1] - 107:18  
weeks [7] - 19:4, 58:1, 69:10, 96:1,  
 125:12, 267:5, 267:6  
weigh [2] - 73:16, 250:5  
weird [1] - 226:13  
welcome [5] - 75:16, 152:4, 190:11,  
 222:12, 264:9  
well-being [1] - 92:3  
Wellesley [1] - 289:13  
WELLONS [26] - 93:6, 95:8, 97:16,  
 98:9, 99:11, 105:4, 133:11, 133:14,  
 133:17, 134:4, 134:15, 136:7,  
 136:16, 139:6, 139:11, 139:16,  
 140:2, 140:10, 141:4, 141:13,  
 142:2, 142:10, 143:2, 143:7,  
 143:15, 144:4  
Wellons [7] - 93:6, 93:7, 97:17,  
 98:12, 110:15, 133:10, 133:11  
wellons' [1] - 138:14  
WENDY [5] - 77:7, 77:11, 77:14, 78:2  
Wendy [2] - 77:11, 89:2  
west [2] - 214:8, 214:13  
West [1] - 171:7  
WHEREOF [1] - 295:10

whisper [3] - 84:1, 84:5, 121:11  
whispering [2] - 121:9  
whole [6] - 91:12, 92:8, 102:6,  
 129:4, 142:1, 275:3  
Wicket [5] - 169:19, 171:19, 197:10,  
 226:15, 227:4  
wide [2] - 25:13, 259:5  
width [1] - 270:13  
wife [1] - 75:11  
WILLIAM [5] - 165:6, 165:9, 165:10,  
 166:18, 168:7  
William [2] - 165:6, 165:9  
willing [3] - 126:13, 221:15, 226:15  
willingness [1] - 110:15  
window [2] - 67:18, 177:16  
windows [7] - 107:12, 175:7, 175:13,  
 209:3, 224:14, 225:2  
wine [5] - 158:3, 229:12, 252:3,  
 279:1, 287:8  
wine-and-painting [1] - 229:12  
winning [2] - 73:1, 193:12  
wiping [1] - 17:9  
wisdom [1] - 127:10  
wish [14] - 46:2, 59:18, 119:1,  
 148:4, 156:6, 160:2, 163:12,  
 168:19, 241:7, 250:18, 262:9,  
 276:4, 284:17, 290:17  
wished [1] - 70:1  
withdraw [1] - 281:19  
withheld [2] - 131:9, 137:10  
WITNESS [1] - 295:10  
witnesses [1] - 116:10  
wives [1] - 194:5  
Woburn [1] - 256:6  
WOK [2] - 2:2, 7:2  
Wok [4] - 7:5, 7:13, 8:16, 9:4  
woken [1] - 189:13  
won [1] - 173:6  
wonderful [1] - 183:18  
wood [1] - 271:17  
word [2] - 92:11, 92:13  
workers [1] - 263:1  
works [1] - 274:8  
Works [3] - 267:17, 269:1, 269:3  
world [1] - 63:13

**worn** [1] - 173:7  
**worried** [1] - 207:14  
**worse** [4] - 84:13, 84:15, 84:17, 99:10  
**worth** [1] - 268:16  
**wrap** [1] - 105:2  
**write** [1] - 173:15  
**write-up** [1] - 173:15  
**writes** [2] - 276:10, 276:19  
**writing** [3] - 26:3, 44:8, 247:1  
**written** [7] - 16:12, 44:9, 57:15, 85:18, 116:12, 202:15, 283:6  
**wrote** [3] - 33:11, 78:16, 261:11  
**www.reportersinc.com** [1] - 1:19

Y

**YA** [2] - 3:4, 278:16  
**yards** [1] - 82:15  
**year** [13] - 9:4, 84:3, 147:9, 147:15, 150:7, 150:13, 153:4, 153:8, 155:15, 173:7, 193:1, 247:18, 262:18  
**years** [40] - 64:2, 82:18, 83:1, 100:2, 107:5, 107:8, 123:18, 153:5, 171:6, 171:8, 173:16, 173:19, 184:8, 184:19, 185:2, 190:15, 190:18, 191:5, 191:6, 192:4, 192:9, 192:12, 192:16, 192:19, 193:5, 193:6, 193:19, 194:2, 201:2, 205:3, 205:9, 214:15, 220:2, 230:1, 230:6, 237:1, 243:13, 261:13  
**yelling** [2] - 121:8, 185:16  
**yesterday** [9] - 88:1, 96:6, 110:2, 110:6, 201:5, 208:14, 215:17, 219:15  
**YEUMBEE** [1] - 237:17  
**Yeunbe** [1] - 234:14  
**YEUNBE** [1] - 234:14  
**YEUNBEE** [2] - 237:12, 237:16  
**Yeunbee** [1] - 237:16  
**Yogi** [1] - 292:2  
**Yongkun** [1] - 149:4  
**York** [1] - 177:9  
**young** [8] - 174:12, 176:7, 191:12, 199:12, 203:2, 203:3, 216:6, 259:9  
**younger** [2] - 181:19, 230:19

**yourself** [5] - 50:15, 106:15, 133:7, 158:19, 226:7

Z

**zero** [1] - 210:17  
**ZETA** [2] - 2:17, 242:5  
**Zeta** [1] - 242:8  
**zone** [1] - 188:16  
**zoned** [1] - 63:3  
**zoning** [4] - 123:10, 179:1, 287:11, 291:4